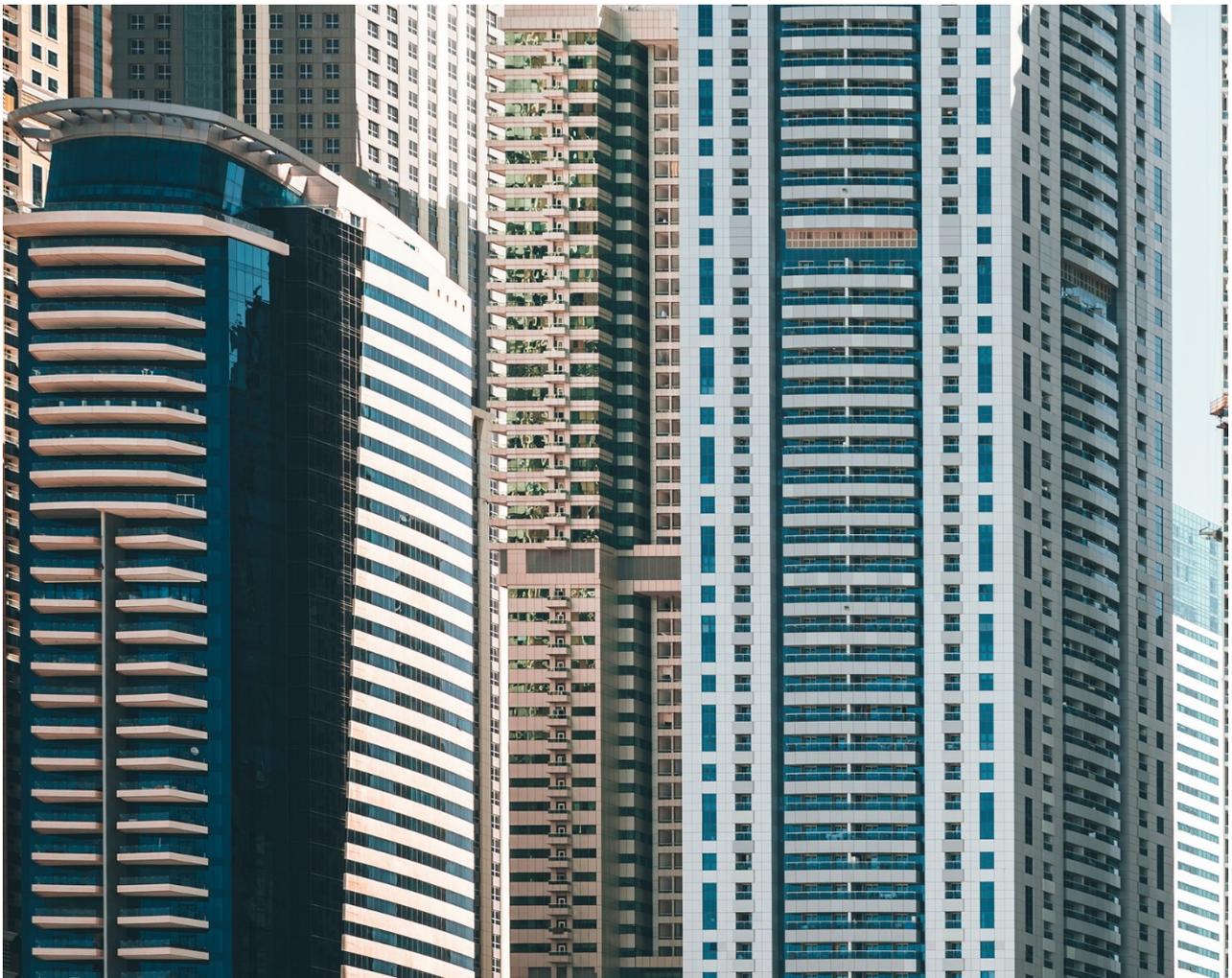


Building Control: An overview of the new regime

Gateways 2 and 3 – application to completion
certificate



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What we're doing to prepare and what is changing

The Building Safety Act 2022 amends the Building Act 1984 to:

- create powers to prescribe requirements on those who procure, design, plan, manage and undertake building work; and
- introduce new enforcement powers for building control authorities.

Once secondary legislation is commenced on 1st October 2023, if you:

- plan to build a new higher-risk building (HRB);
- create one through change of use or alteration / extension; or
- plan to undertake building work to an existing HRB,

you will need to follow the new building control regime. To check if your building meets the definition of a HRB, please refer to the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023 ([The Higher-Risk Buildings \(Descriptions and Supplementary Provisions\) Regulations 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk)). This means:

- that you submit a building control approval application to the Building Safety Regulator (BSR) to obtain approval **before** you can start any building work;
- that you obtain approval when you make major changes to the proposed work (please refer to **Major change** ;
- that you construct the work in accordance with those approvals (please refer to Notifiable changes), and that at the end of the project you provide evidence (please refer to Building information through D&C – Golden Thread and [Storing building information - golden thread - Building safety - HSE](#)) through a completion certificate application to demonstrate that you built what you said you would or were given approval for; and
- that the work is suitably completed to meet the functional requirements of the building regulations.

There will be additional information expected for the building control approval application in the first instance. A set of accompanying documents, which are to enable applicants to demonstrate:

- competence of any person appointed in relation to the work;
- the approach to meeting functional requirements;
- any assumptions about how the building will be managed in occupation are realistic;
- how the building work will be managed through construction; and
- how change control specifically will be managed and monitored throughout the construction process.

HSE is a statutory consultee for relevant planning applications; and existing statutory consultations with fire and rescue service and sewage providers will be part of the new process.

Multi-disciplinary teams

BSR will carry out its function as the building control authority through a team that includes a registered building inspector and any other specialists required to assess a submission. These will be called Multi-disciplinary teams (MDT). It is a way of working that recognises the complex nature of these developments and the range of disciplines required. A separate MDT will be brought together for each higher-risk building. The BSR lead this team as appropriate to:

- ensure effective regulatory decisions;
- guide the structure of an inspection schedule; and
- input to any requirements (conditions) that may be applied to an approval.

Importantly, the MDT will be involved throughout the construction process through onsite inspections, interventions, and assessments of further information, and through the change control process. The MDT will set an inspection schedule and will provide a lead contact for applicants throughout the process.

This isn't new in terms of assessment of plans and site inspections – but it is a new method of delivery.

At the completion certificate application stage, the MDT will then review the submitted 'as-built' information, including details of any controlled changes, to determine whether there is sufficient evidence to support the application and that what was built does meet the functional requirements of building regulations to allow a completion certificate to be issued.

New roles and responsibilities

There are new dutyholder roles introduced into building regulations. Everyone who has a stake in a project (the client, the designers and the contractors) have duties to have arrangements and systems in place to plan, manage and monitor both the design work and the building work to ensure compliance with building regulations.

The duty to ensure compliance remains with those who procure the building work and those who have key roles in the design and construction process, who are responsible for ensuring that building work is designed and built to be compliant with building regulations. The dutyholders will be required to cooperate with other dutyholders, coordinate their work, and communicate and provide information to other dutyholders.

They will also need to ensure they and those they appoint are competent (have the necessary, skills, knowledge, experience and behaviours) or if they are an organisation, the organisational capability, to carry out the design work and building work they are engaged to do and only undertake work within the limits of that competence.

Clients should carefully consider how their proposed building work will comply with both the procedural and functional building regulations' requirements. They will be required to explain assumptions about the management and maintenance of the building once in use, as well as the behaviours and characteristics of residents or other users. This approach is to support an industry culture change by moving away from building regulations compliance as a 'tick box' exercise, towards a greater understanding and confidence in how to demonstrate compliance with regulations.

Principal Designers, Principal Contractors and anyone carrying out any design or building work must be competent for their roles, and organisations must have the organisational capability, competence and capacity to fulfil their obligations.

Dutyholders and main duties

A dutyholder can be an organisation or an individual, and a dutyholder can carry out the role of more than one dutyholder, provided they have the skills, knowledge, experience and (if an organisation) the organisational capability and competence necessary to carry out those roles.

Client

These are organisations or individuals for whom a construction project is carried out that is done as part of a business.

Main duties – what they must do
Make suitable arrangements for planning, managing and monitoring a project, including the allocation of sufficient time and resource, to deliver compliance with building regulations. In practice, this means appointing the right people, with the right competencies (the skills, knowledge, experience and behaviours or

organisational capability) for the work and ensuring those they appoint have systems in place to ensure compliance with building regulations
Where there are several firms working on different aspects of the project, the client will need to appoint a Principal Designer to be in control of design work and a Principal Contractor to be in control of the building work
Provide building information to every designer and contractor on the project and have arrangements to ensure information is provided to designers and contractors to make them aware that the project includes any existing or proposed higher-risk building work
Cooperate and share information with other relevant dutyholders

Domestic Client

A 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.

Main duties – what they must do
Where there are several firms working on different aspects of the project, a domestic client should appoint a Principal Designer to be in control of design work and a Principal Contractor to be in control of the building work
If a domestic client does not appoint either a Principal Designer or Principal Contractor, then the designer in control of the design phase of the project is the principal designer and the contractor in control of the construction phase of the project is the principal contractor
Must provide building information that they have, or it would be reasonable for them to obtain, to designers and contractors working on the project
Must cooperate with anyone working on or in relation to the project to the extent necessary to enable them to comply with their duties or functions

Principal Designers (PD)

A designer appointed by the client in projects involving more than one contractor. They can be an organisation or an individual with sufficient knowledge, experience and ability to carry out the role.

Main duties – what they must do
Plan, manage and monitor the design work during the design phase
Take all reasonable steps to ensure the design work carried out by them and anyone under their control is planned, managed and monitored so that the design is such that, if built, it would comply with all relevant requirements of the building regulations
Ensure that they, and all those working on the project, co-operate, communicate and co-ordinate their work with the client, the Principal Contractor, and other designers and contractors

Liaise with the Principal Contractor and share information relevant to the building work
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Assist the client in providing information to others
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Principal Contractors (PC)

A contractor appointed by the client to coordinate the construction phase of a project where it involves more than one contractor.

Main duties – what they must do
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Plan, manage and monitor the design work during the building work

Cooperate with the client, the Principal Designer, and other designers and contractors to the extent necessary to ensure that the work complies with all relevant requirements of the building regulations.

Ensure that they, and all those working on the project, co-operate, communicate and co-ordinate their work with the client, the Principal Designer, and other designers and contractors

Liaise with the Principal Designer and share information relevant to the building work
--

Assist the client in providing information to others
--

Throughout the new process, BSR will be seeking evidence from each of the dutyholders. BSR will want to know how competence of dutyholders has been established, and how you will ensure competence of those performing design and construction tasks, including how these have been procured (please refer to [Collaborative procurement guidance for design and construction to support building safety - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612232/collaborative_procurement_guidance_for_design_and_construction_to_support_building_safety_-_gov.uk.pdf))?

These duties apply to ALL building work.

How you can prepare

The technical functional requirements of building regulations are not changing. What is changing is the application process and the level of information required before undertaking building work, when making any changes to an approved application, and on completion of building work.

You must consider the whole process from the outset – before you submit a building control approval application, you must review how you are going to:

- construct your scheme;
- manage change (please refer to Change control applications and processes); and
- how you will meet and evidence the functional requirements of the building regulations.

If you plan to build a new HRB, create one through change of use or alteration/extension, or plan to undertake building work to an existing HRB; you will need to follow the new building control regime. This means:

- submitting a building control approval application to BSR to obtain approval before you start any building work;
- that you construct the work in accordance with that approval and that the work is suitably completed to meet the functional requirements of the building regulations; and if you plan to make changes that you obtain approval, when necessary, for those changes before you make them (please refer to Change control applications and processes); and
- submitting information at the end of a project to demonstrate how you have complied with the functional requirements – essentially have you built what you said and provide evidence to demonstrate. A residential building, or part of a residential building, cannot be occupied until BSR issue a completion certificate and the residential building is registered with them.
- the client will need to make arrangements to appoint a competent Principal Designer and Principal Contractor for building regulations purposes. Dutyholders will have to **demonstrate** (not just declare) to the regulator **how** (not just 'that') their building is designed, built and managed such that all their legal responsibilities are fulfilled.

A holistic approach needs to be taken for the whole project from design to completion, from procurement to handover. The better quality your application is, the more straightforward it will be for BSR to evaluate. Note, that the information relied upon to support a completion certificate application is the golden thread of information (please refer to Building information through D&C – Golden Thread and [Storing building information - golden thread - Building safety - HSE](#)).

Transitional arrangements

The implementation of the new regulatory regime for higher-risk buildings will have a set of criteria to allow projects to continue under the current framework. For transitional arrangements to apply to HRB work, the following conditions must be met:

- an initial notice¹ must have been given to a local authority (and not be rejected), or full plans must have been deposited with a local authority (and not be rejected) before the day the new regime comes into force (1st October 2023); and
- the HRB work must be “sufficiently progressed” within six months of the new regime coming into force (6th April 2024).

For HRB projects that **do** meet these two criteria, they would continue through to completion using the currently regulatory framework, and Gateways 2 and 3 would not apply. Should an HRB project **not** meet these criteria, the project would pass to BSR. Please remember though that the HRB will need to be registered with BSR prior to occupation, and that to register a HRB you will need a completion certificate from the building control body. It is an offence under the Building Safety Act 2022 (Sections 76 and 77) to occupy an HRB without registering or without a completion certificate.

For projects that do not go through the new regime, consideration must be given **now** to the Part 4 duties in-occupation (please refer to Managing an occupied high-rise residential building [Occupied buildings - Building safety - HSE](#)). The golden thread of information (please refer to Building information through D&C – Golden Thread and [Storing building information - golden thread - Building safety - HSE](#)) should be formed **now**, to enable accountable persons/principal accountable persons (AP/PAP) duties (please refer to New roles and responsibilities to be more easily met, ‘as built’ information should be available, and regulation 38 fire safety information (please refer to Regulation 38 in the Building Regulations 2010 [The Building Regulations 2010 \(legislation.gov.uk\)](#)) should be correct. Sufficiently progressed work is defined as:

For the construction of a new higher-risk building:

***When the pouring of concrete for the permanent placement of the trench, pad or raft foundations, or the permanent placement of piling,
for that building has started***

Where the building work consists of work to an existing building:

¹ If the building work is subject to an initial notice, the approved inspector overseeing the project must have registered as a building control approver by day one of the new RBCI regime (6th April 2024). This registration will enable them to continue supervising ongoing HRB work.

Where the building work consists of work to an existing building, when that work has started, or

Where the building work consists of a material change of use of a building, when work to effect that change of use has started

Where an application has been made but the work has not “sufficiently progressed”, within six months, on 6th April 2024 (six months after the start of the regime: 1st October 2023), the initial notice covering HRB work will lapse and any HRB work will transfer to BSR, and the new higher-risk framework (with some modifications) will apply.

Where an application has been made, sufficient work has been carried out, but the building control body has not become a registered building control approver, the initial notice will be cancelled on 6th April 2024 and the dutyholder must submit a valid application for building control approval to the BSR to continue building work ‘at risk’. The higher-risk regime, overseen by the BSR, will apply to this work, and specific requirements imposed will take into account that the transferred work is “sufficiently progressed”. The BSR will assess work already carried out on site but cannot enforce against any building work that has received a final certificate from private sector building control. The same process applies where an initial notice covering HRB work is cancelled for any other reason from 1st October 2023 and the work has “sufficiently progressed”.

If no application or initial notice has been made for building work, the HRB work is subject to the new higher-risk framework immediately and will be overseen by BSR. Projects going through the design stage now will have to be planned and managed to ensure they are suitably developed to reflect the new process.

Design and construction

Building control approval application

Before building work starts, a building control approval application must be submitted to BSR and approved. BSR has 12 weeks to assess an application for HRB work (8 weeks for works to an existing HRB) but will work with the applicant if an extension is required for any reason.

The application must contain sufficient information to show how the building, when built, will:

- satisfy all applicable functional requirements; and
- demonstrate how you intend to manage the construction activity (building work) such that you build what you describe. This includes demonstrating that through the construction activity you will capture sufficient credible evidence to support your building completion certificate application.

BSR will confirm the validity of an application. It is worth noting that the better quality an application, then the more straightforward it will be for BSR to evaluate.

If any standard or document is cited in support of the application, then the applicant will need to articulate how the standard allows the functional requirement to be achieved for that building application.

This information will be stored in the golden thread (please refer to Building information through D&C – Golden Thread and [Storing building information - golden thread - Building safety - HSE](#)).

The client has a high-level overall responsibility for ensuring the arrangements are in place to create and manage the golden thread through design and construction, but it is the Principal Designer who will manage the golden thread on a day-to-day basis through the design phase of the project.

A building control approval application must be signed by the applicant, and if it is made on behalf of the client, then a signed statement must be provided by the client confirming they agree to the application being made and the information contained in it.

Purpose

- Assurance that potential design challenges are addressed early and not baked in;
- Assurance that design is sufficiently developed to allow confidence in progressing all parts of the build; and
- Assurance that the dutyholders have the necessary capacity to realise the design.

Outputs

- Approval to commence building work;
- An agreed inspection schedule for the building work;

- Suite of agreed documents;
- Suite of requirement notices if applicable; and
- Inspection schedule that includes points (notification points) where work will be assessed before that element of the project can progress.

Outcomes

- Confidence on the part of BSR that work can commence safely (i.e the level of risk is acceptable);
- Confidence that critical design and management challenges will not be discovered during the build;
- Confidence that the solutions to design and management challenges will not be unnecessarily constrained by previous (related) design and management decisions that were made in isolation;
- Transparency on those parts of the design that will require additional robust justification (requirements);
- A common/ transparent understanding of which elements of the build will require regulatory oversight/ witnessing of evidence captured;
- Transparency on stages;
- Transparency on intention with respect to partial completion;
- Confidence that the management arrangements are sufficiently robust for the approved design to be realised in the as built;
- Common understanding of the evidence needed for each element of the build to support the building control approval application (Client, PD, PC & regulator). The applicant should have an understanding of this before an application is submitted;
- Confidence that changes through the construction phase (please refer to Change control applications and processes will be managed and their impact assessed by those responsible for those changes; and
- A common understanding of purpose(s) of the inspection schedule.

How the output/outcome will be achieved

- Application assessment;
- How BSR request and assess further information, if necessary; and
- How BSR informs applicant of decision.

Staged applications

The principle of applying for building control approval in stages is allowable within the legislation. BSR considers this to be applicable only where it is not viable for an applicant to provide detailed plans for an entire development or building.

In practice, this means that staged applications will not be suitable in all cases. When used there will be new procedures and information required by BSR.

A staged application must include full descriptions of the proposed stages, a timetable for each stage, and full details for the first stage. Sufficient information must be provided for subsequent stages to assure the regulator that all applicable requirements of the building regulations will be met.

This will mean that subsequent stages must not have gaps in information or undecided design elements that may impact on compliance with building regulations requirements. This will require a more robust set of information to be submitted to BSR. For example, it would not be appropriate to submit details of the foundations and sub-structure for a higher-risk building, without providing sufficient information for the superstructure that it will be supporting. Details would also need to be provided of the relevant fire safety provisions, access provisions and drainage design to ensure that these elements which could have an effect on how compliance with building regulations will be achieved in later stages may affect the first (or previous) stages.

A staged application could be appropriate for a complex building with multiple elements. A staged application is not appropriate for packages of work for a building.

It is key that all aspects of building regulations compliance are considered for the whole building. Design issues for subsequent stages that are not fully developed may have an impact on a previous stage, and it will be a requirement that you provide sufficient information to BSR to demonstrate compliance with the functional requirements for these subsequent stages.

Accompanying documents

For construction of an HRB, the application will need to be accompanied by all the accompanying documents; however, as BSRs approach will be proportionate, an application for building work in an existing HRB will only need to be accompanied by relevant accompanying documents. Detailed information on each of the accompanying documents is set out below.

List of accompanying documents:

- a competence declaration (please refer to **Competence declaration**);
- a building regulations compliance statement (please refer to **Building Regulations Compliance Statement**);
- a fire and emergency file (please refer to **Fire and Emergency File**);
- a construction control plan (please refer to **Construction Control Plan**);
- a change control plan (please refer to **Change Control Plan**);
- a mandatory occurrence reporting plan (please refer to **Mandatory Occurrence Reporting**); and
- a partial completion strategy, where the applicant proposes occupation of part of the building before completion of the HRB work (please refer to **Partial Completion Strategy**).

You will need to ensure these accompanying documents are updated throughout construction. You will need to present up-to-date versions to BSR as part of a completion certificate application (please refer to **Completion certificate application** .

Competence declaration

The purpose of the competence declaration is to confirm that the client is satisfied that their Principal Designer, Principal Contractor and any other person appointed in relation to the work are competent to carry out their roles; and provide a written record of the steps the client has taken to be satisfied of their competence.

Client responsibilities

You, or someone on your behalf, must sign a declaration that you have assessed and are content that the Principal Designer, Principal Contractor, and any other appointed person at application date have the necessary competence to discharge their responsibilities effectively.

The regulator will be looking for

If you have you taken all reasonable steps to be satisfied of the competence of the Principal Designer, Principal Contractor, and any other appointed person at application date.

BSR will not be checking your conclusions from those steps as part of the application assessment, but if these checks are not sufficient, it could lead to future enforcement action.

Client responsibilities

You must provide accompanying documentation setting out the steps you have taken to satisfy yourself of the competence of the Principal Designer, Principal Contractor, and any other appointed person at application date. This must include the steps taken to determine whether the person has a serious sanction, and the detailed consideration of their previous conduct which might call into question their competence in relation to the work in question. If relevant, reasons for appointing them nonetheless and the measures you will take to mitigate the effects of the appointment must be detailed.

The regulator will be looking for

If you have asked whether the Principal Designer, Principal Contractor, or any other appointed person at application date is a person who has a serious sanction within the previous 5 years.

What actions, if any, you have considered might be appropriate in response to the answers received.

Building Regulations Compliance Statement

The purpose of the buildings regulations compliance statement is to provide a pathway to demonstrate how the planned building work will comply with the relevant building regulations requirements. Compliance must be achieved for each applicable building regulation requirement, and this must be carefully considered before construction starts.

This should include reference to specific guidance, standards, design codes or the specifics of individual solutions to compliance.

Following approved documents is a common means to try to ensure building work complies with building regulations and whilst this approach may be entirely appropriate for typical building work scenarios, it does not guarantee compliance, as the approved documents are not relevant to all situations.

Dutyholders must carefully consider their approach to complying with building regulations and whether it is appropriate for their specific project.

It may help to think of this document as a summary that signposts the regulator to relevant documents in your application for each of the functional requirements.

Client responsibilities

You must set out the approach taken in designing the higher-risk building or the work to be carried out on a higher-risk building; and the building standards to be applied, in particular:

the approach taken in relation to each element of the HRB to ensure compliance with all applicable requirements of the building regulations and why it is appropriate; and

the reasons for adopting the approach to compliance, why it is appropriate for the HRB and how it ensures compliance with all applicable requirements of the building regulations.

The regulator will be looking for

Evidence that the building regulations compliance statement clearly demonstrates a holistic approach to compliance with the building regulations, including clear explanations of why guidance or standards relied upon to support the approach are suitable and appropriate to the work.

Fire and Emergency File

The purpose of the fire and emergency file (FEF) is to ensure that the strategies for managing building safety risks, once the building is completed, have been considered from the early design stages. This includes clarity about the assumptions that underpin those strategies. This needs to be in an understandable format, with clear information relating to the measures, strategies and policies the owner of the completed HRB should adopt in order to manage and maintain the completed HRB to ensure anyone in it can be safely evacuated in an emergency.

Building safety risks (spread of fire and structural failure) need to be appropriately considered before construction starts. Assumptions behind designs and how the building will be used need to be realistic and carefully considered, with a clear rationale behind those assumptions. Anyone carrying out design and construction work need to have a complete account of the fire strategy and systems.

It is essential that the FEF is kept up to date during construction. An updated and accurate FEF will be required by the regulator again at gateway three for a completion certificate application. As with all accompanying documents, the updated FEF will form part of the information in the golden thread (please refer to Building information through D&C – Golden Thread and [Storing building information - golden thread - Building safety - HSE](#)) that you will hand over to the Principal Accountable Person on completion of the building

work and/or the Responsible Person for a non-residential building or non-residential parts of buildings.

Client responsibilities

The proposals adopted and approach you have taken in relation to designing the building to ensure compliance with the applicable requirements of the building regulations relating to the building safety risks (spread of fire and structural failure) and why it is appropriate. This includes a fire strategy demonstrating compliance with functional requirements A3 and B1 to B5 of Schedule 1 to the Building Regulations 2010

The measures, strategies and policies that the building owner should adopt to manage and maintain the proposed building once in use to minimise risk and ensure anyone in it can be safely evacuated in an emergency. This should include any assumptions made as to the intended occupiers of the building and their likely characteristics and behaviours. These assumptions must be reasonable and appropriate for the building

The regulator will be looking for

Evidence that this document sets out fire and structural safety information about the proposal and provides assurance that all occupants would be safe in the event of an emergency, and that they could be safely evacuated, with realistic assumptions about the future management of the building.

Assurances that no unrealistic assumptions are being made about how a risks will be managed when the building is occupied, including the testing and maintenance of key safety features etc.

Construction Control Plan

The purpose of a construction control plan (CCP) is to describe the strategies for **how** building work will be managed to maintain building regulations compliance.

Before construction starts, there must be clear strategies in place to ensure compliance with all applicable building regulations and how this will be maintained during building work. The strategies within the CCP should focus on cooperation, coordination, communication and competence. This includes setting out how compliance will be evidenced. This will assist you to manage and maintain the change control log (please refer to change control [link to change control page in this document] and provide the information on design and construction that will need to be stored in the Golden Thread of information (please refer to Building information through D&C – Golden Thread and [Storing building information - golden thread - Building safety - HSE](#)). This will also assist in information preparation for a building completion certificate application at gateway 3 (please refer to **Completion certificate application** .

A CCP should be a practical and useful document describing working arrangements for a Principal Contractor and all other contractors to follow. It should include:

- details of the work, and the appropriate reasonable steps to control the building work and ensure it is in accordance with all applicable requirements of the building regs;
- management arrangements to ensure the work in the plan is managed and monitored to ensure that when built, the building does satisfy all applicable functional requirements of building regulations;

- management arrangements to ensure sufficient evidence of the 'as built' is captured to support the completion certificate application; and
- what the arrangements are for ensuring the information, instruction and training provided to those carrying out building work is sufficient.

Client responsibilities

Adopting the strategies, policies and procedures for planning, managing and monitoring the building work to ensure compliance with the applicable requirements of the building regulations, including recording evidence of that compliance

Ensuring which dutyholder is responsible for meeting the dutyholder duties

Adopting strategies, policies and procedures to identify, assess and keep under review the competence of the persons designing or carrying out building work, as initially performed for the signed competence declaration

Adopting strategies, policies and procedures to support co-operation between designers, contractors and any other persons involved in the building work, including the sharing of all necessary information

A schedule giving the name of each company you have appointed to work on the project, the Principal Contractor (or sole contractor), and the Principal Designer (or sole or lead designer) and a summary of their responsibilities

Adopting strategies for maintaining and managing the golden thread information
Adopting policies to review the construction control plan

The regulator will be looking for

Evidence that the CCP sets out the strategies and arrangements the client will put in place to ensure building regulations compliance and to record evidence of that compliance

Change Control Plan

The purpose of a change control plan is to show:

- a clear change control process during construction to ensure there is an accurate record of changes;
- that the impact of changes are carefully considered and discussed with other parties as required; and
- that the Regulator has oversight as necessary.

Dutyholders must carefully consider the implications of changes from an original building control approval application before they are made, and all controlled changes (please refer to Change control applications and processes must be recorded to ensure that plans and accompanying documents are updated to reflect the building work 'as built' rather than 'as designed'.

Maintaining accurate records during construction will also be vital to ensuring that the golden thread (please refer to Building information through D&C – Golden Thread and [Storing building information - golden thread - Building safety - HSE](#)) contains up-to-date information about the building work, which will be particularly important when it is handed

over to the Principal Accountable Person and/or the Responsible Person on completion of building work.

Client responsibilities

You must set out the strategies, policies and procedures you have adopted to ensure any controlled change takes place in accordance with change control requirements, and to log each controlled change in accordance with record-keeping requirements

This must explain how proposed changes will be identified and to whom they must be reported

How the impacts of proposed changes will be identified and considered

How in relation to proposed changes, the decision-making procedures adopted for agreeing a change including whose advice is to be sought

How changes will be recorded and by when

The procedure to determine whether changes are recorded, notifiable, or major, and to identify which changes require notification to the Regulator and which changes require a change control application to the Regulator before the change can occur

How to ensure that all of the above is understood and followed

How the effectiveness of the change control strategy will be reviewed by dutyholders

The change control plan should include a change control log. The change control log will include the following information:

- the name of the individual recording the controlled change;
- a description of the proposed change;
- an explanation of the reason why the change has been proposed;
- whether the change is recorded, notifiable or major;
- a list of the name and occupation of each person, if any, whose advice was sought in relation to the proposed change and a brief summary of any advice provided;
- an assessment of which agreed document is affected by the proposed change and confirmation that a revised version has been produced; and
- an explanation, in relation to the proposed change, of how the higher-risk building work will, after the proposed change is carried out, meet all applicable building regulations and
- the strategies, policies and procedures in relation to the higher-risk building work (including in relation to controlled changes, mandatory occurrence reporting, competence of persons or sharing of information and co-operation) will, after the proposed change is carried out, meet relevant requirements

The regulator will be looking for

Evidence of a clear change control process during construction and assurance that there is an accurate record of changes. The impact of changes will be carefully considered with appropriate regulatory oversight as part of the MDT's role

Mandatory Occurrence Reporting

Mandatory Occurrence Reporting (MOR) is required when there is a safety occurrence (structural safety or fire safety) in relation to the design of a building or an incident or situation during construction for which the building, if occupied without the risk being remedied, is likely to present a risk of a significant number of deaths or serious injury to a significant number of people.

This will enable BSR to capture any risks that could have a potential impact on fire and structural safety and assess relevance to other buildings, improve knowledge, promote safety-conscious culture change and improve fire and structural safety standards and best practice across the industry.

A comparable standard is required for MOR during the occupation of a HRB, related to structural failure or spread of fire (please refer to Sections 62 and 63 of the Building Safety Act [Building Safety Act 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk)). Failure to provide a MOR when required is an offence.

The Principal Designer and the Principal Contractor will need to establish and operate an effective MOR system to enable those undertaking design work or building work to report safety occurrences to the dutyholder(s) and to report safety occurrences to the Regulator. The client should ensure they take all reasonable steps to satisfy themselves that the Principal Contractor and Principal Designer appointed are able to fulfil the MOR requirements and have a MOR system in place. However, the client will have no responsibility themselves for establishing, maintaining or operating the system(s).

Client responsibilities

You must provide a statement describing the mandatory occurrence reporting system(s), ensuring the Principal Designer and the Principal Contractor have arrangements in place before construction starts

The regulator will be looking for

If there will be an effective mandatory occurrence reporting system in operation

Partial Completion Strategy

A partial completion strategy is required when an applicant proposes occupation of part of a building before completion of the work. At the gateway 3 stage, a partial completion strategy can be adopted, providing this has been detailed to BSR and approved, ideally as part of the gateway 2 submission (the building control approval application). Clients must therefore think ahead to the safety of residents in the occupied building from the design stage and must clearly demonstrate that any such strategy would not be at the expense of occupant safety.

A partial completion strategy must outline how occupants will be kept safe. The intention to occupy a higher risk building in phases must never come at the expense of resident safety and it must not introduce greater risk than only allowing occupation once all building work is complete. BSR will be seeking details of how the process will work to ensure the completion of all applicable elements of a building to meet building regulations requirements and how this partially completed element of a development will interact with continuing construction activity.

The general approach from BSR will be that full completion of a building will be expected. A partial completion strategy would not generally be suitable for individual flats or floors of

flats within a building. Any proposals must make proper consideration of potential risks from other parts of a development.

Particular attention should be paid to non-residential elements that may form part of a building, as well as ensuring site wide infrastructure is completed for all applicable building regulations requirements.

Please also remember sections 76 and 77 of the Building Safety Act 2022, which requires (under section 76) that prior to occupation, a completion certificate must be issued, and section 77, which requires that prior to occupation a higher-risk building is registered with BSR. One cannot register a higher-risk building without a completion certificate.

Client responsibilities

To explain how it will be safe to occupy parts of a building before all the construction works are completed

**Having measures, strategies and policies you propose the building owner should adopt in order to manage and maintain each such part of the proposed building
That any assumptions you have made in those measures, strategies and proposals as to the intended occupiers of each such part of the proposed building and their likely characteristics and behaviours, and the intended management or maintenance of each such part of the proposed building**

The regulator will be looking for

An understanding that all building work related to the part will be finished before a partial completion certificate application is made.

That all fire safety features e.g. sprinkler systems, forming part of the section which is being partially completed must be complete and operational regardless of what building work is still outstanding in the rest of the building

Before starting work

You must secure building control approval before you start work and you must notify BSR of your intention to start work at least five days before doing so.

Starting work consists of the undertaking of any element of permanent building work as described in your building control approval application.

The carrying out of site set up, demolition of previous buildings, stripping out works or the excavation of trial holes or installation of test piles would not be considered as starting work.

You must also notify BSR within five days of the work reaching the point at which is regarded as commenced in line with the new definition.

Construction phase (including controlled changes) and Golden Thread of information

Once you have building control approval and have notified BSR of your intention to start work, the Principal Contractor is responsible for managing the golden thread (please refer to the Golden Thread of information [Storing building information - golden thread - Building safety - HSE](#)) in the construction phase of the project. However, it is expected that the design and construction phases will overlap and influence each other, rather than run consecutively.

Therefore, the Principal Designer will have a duty to plan, manage and monitor design work associated with the building work. They will need to collaborate with the Principal Contractor to ensure any design work done during the construction phase is captured in the golden thread.

Sufficient evidence must be captured to show:

- how the building work itself conforms to the design that was approved, including any approved changes; and
- how the building satisfies **ALL** the applicable functional requirements.

This information will be stored in the golden thread.

To make sure there is robust record keeping during higher-risk building work, the Client or someone on their behalf must ensure there is a record of all the controlled changes (please refer to Change control applications and processes that have been made. All changes from the original building control approval application must be recorded in the change control log.

This information will be stored in the golden thread (please refer to the Golden Thread of information [Storing building information - golden thread - Building safety - HSE](#)).

Purpose

Assurance that work is conforming to the agreed documents, specifically:

- building work is consistent with the agreed plans;
- work is managed and monitored in line with CCP (please refer to **Construction Control Plan**),
- controlled changes are assessed, managed and 'owned' in line with the change control plan (please refer to **Change Control Plan**); and
- 'as built' evidence being captured is sufficient for the purposes of the completion certificate application (please refer to **Completion certificate application** .

Outputs

- Controlled Change Log;

- Inspection reports;
- Body of evidence sufficient to support the completion certificate application;
- Change control application for a major change;
- Controlled change notifications; and
- Enforcement action.

Outcomes

- Confidence that the agreed documents (both what and how) accurately reflect any changes to the original approved application documents; and
- Confidence that the evidence available to support the completion certificate application will provide the highest likelihood of approval.

How the output/outcome will be achieved

- Implementation of scheduled and unscheduled inspections;
- Approach where divergence from agreed document discovered; and
- Review of inspection schedule after every interaction – note, your inspection frequency can go down as well as up.

Change control applications and processes

Change control applies when one or more of the following controlled changes is proposed:

- carrying out work otherwise than in accordance with the current plans;
- departing from the strategies, policies and procedures described in any other current agreed document.

Before any controlled change can be carried out, the client must ensure that a record (change control log) is made of the controlled change.

A **major change** is one that would undermine the basis by which building control approval was granted. If the controlled change is a major change, the client must make a change control application to BSR (please refer to Major change . A major change must not be commenced until the change control application is granted.

A **notifiable change** is one that potentially has an impact on compliance. If the change is notifiable, the client must notify the regulator (please refer to Notifiable changes). A notifiable change can be started once BSR has been notified.

It will be the responsibility of the client, along with the Principal Designer and Principal Contractor, to decide if a controlled change is major, notifiable, or just requires recording.

BSR will have the power to change the category of any change where they think it is appropriate to do so.

Record-keeping

A controlled change must be recorded by entering information in the change control log including:

- the name of the individual recording the change;
- a description of the proposed change;
- an explanation of the reason why the change has been proposed;
- whether the change is a recordable, notifiable or a major change;
- a list of the name and occupation of each person, if any, whose advice was sought in relation to the proposed change and a brief summary of any advice provided;
- an assessment of which agreed document is affected by the proposed change and confirmation that a revised version has been produced; and
- an explanation, in relation to the proposed change, of how the HRB work or work to existing HRB will, after the proposed change is carried out, comply with all applicable building regulations.

Major change

Introduction

A major change in relation to proposed or existing HRB work can include:

- a change which is a material change of use to any part of a proposed higher-risk building;
- a change of the proposed use of any part of a proposed higher-risk building so that after the change the part of the building is to have a use as a car park or cease to have a use as a car park (whether the car park is for the occupiers of the building or otherwise);
- a change which increases or decreases the external height or width of a proposed higher-risk building;
- a change to the number of storeys in a proposed higher-risk building (including adding or removing a mezzanine or gallery floor);
- a change to the structural design or structural loading of the building;
- a change to the number or width of the staircases in a proposed higher-risk building or a change to the length of any other escape route or the number or width of any escape route (including evacuation lift) within the proposed building;
- a change to the external wall of a proposed higher-risk building including a wall tie, wall restraint fixing or support system in the wall;
- a change to any part of the active fire safety measures or passive fire safety measures in a proposed higher-risk building referred to in the fire and emergency file;
- a change to the layout or dimensions of the common parts within a proposed higher-risk building;

- subject to paragraph (2), a change of any construction product or building element to be used in or on a proposed higher-risk building such that its replacement is of a lower classification under the reaction to fire classification (within the meaning in regulation 2(6) of the 2010 Regulations⁽²⁾);
- a change to any assumptions made in the design of a proposed higher-risk building or works to an existing higher-risk building as set out in the Building Regulations compliance statement;
- a change proposing occupation of any part of the proposed higher-risk building before all the work is completed;
- a change to the number of flats, residential rooms or commercial units contained in a proposed higher-risk building;

Change control applications

A change control application must be made by the client, or someone on behalf of the client in writing, signed by the person making the application with a description of the proposed controlled change. The application must be accompanied by:

- an explanation of the reason why the change has been proposed;
- a list of the name and occupation of each person, if any, whose advice was sought in relation to the proposed change and a brief summary of any advice provided;
- where the change is to the number of flats, plans showing the number of flats it is proposed the HRB will contain;
- an assessment of which is affected by the proposed change;
- a compliance explanation in relation to the proposed change, and
- where the application is made by someone on behalf of the client, a statement signed by the client confirming they agree to the application being made and to the information contained in it.

Assessment and decisions

BSR will confirm the validity of an application. BSR will notify the applicant of the outcome of a change control application within 6 weeks, beginning with the date the application is received or will agree a longer period in writing. If a longer timeframe is needed, then BSR will review this with the applicant.

Before determining a change control application, the regulator will consult others, as appropriate, in relation to fire safety and sewerage.

Where a change control application is approved, the elements of work subject to the change can start.

If an application is rejected, the regulator will give the reason for the rejection and there will be procedures to review these decisions.

⁽²⁾ Paragraph (6) was inserted into regulation 2 of the 2010 Regulations by S.I. 2018/1230 and amended by S.I. 2022/603.

Notifiable changes

Notifiable changes can include:

- a change to the construction control plan;
- a change to the change control plan;
- a change to the layout of a flat or a residential room in a proposed higher-risk building or in a higher-risk building;
- a change to the number or dimensions of any openings in any wall, ceiling or other building element for any pipe, duct or cable;
- a change to the wall tie, wall restraint fixing or support system in any wall or proposed wall (excluding an external wall);
- subject to paragraph (2), a change of any construction product or building element to be used in or on a proposed higher-risk building (or to be used as part of works to a higher-risk building) where its replacement is of the same or higher classification under the reaction to fire classification (within the meaning in regulation 2(6) of the 2010 Regulations);
- any other change to the fire and emergency file or the fire safety compliance information;
- a change specified by the regulator as a notifiable change by notice given in accordance with regulation 25 (change control: regulator power to specify notifiable changes and major changes);
- a change to the partial completion strategy;
- a change to a staged work statement or a subsequent stages statement (as defined in regulation 4(3)).

New client or change of circumstances for the client

If the client registered with BSR ceases to be the client in relation to the work, then within 14 days, the outgoing client has a duty to provide the new client with:

- a copy of the golden thread information (please refer to the Building information through D&C – Golden Thread and [Storing building information - golden thread - Building safety - HSE](#));
- information (including plans, drawings and other documents) which is sufficient to detail the work comprised in the project;
- a document explaining the arrangements made to ensure compliance of the 2010 Regulations; and
- a statement, signed by the previous client, confirming that they took all reasonable steps to fulfil their duties under the building regulations. In the case of death/incapacity, this should be done by a personal representative appointed by the Court of Protection or with power to act under a power of attorney. There are also specific provisions for situations where a client becomes insolvent.

BSR must be notified by the new client within 28 days of the date they become the client that:

- states the date they became the client and the date the previous client ceased to be;
- confirms they have received the relevant documents [referred to above];
- confirms they are aware of the requirements imposed on a client by the building regulations;
- includes a copy of their declaration; and
- ensures a record is made of the change of client in the change control log, together with confirmation in that log that a revised version of the construction control plan reflecting the change has been produced.

New Principal Contractor or Principal Designer: notification

If at any time after building control approval for HRB work or work to existing HRB is granted, the Client appoints a new Principal Contractor (or sole contractor) or Principal Designer (or sole or lead designer), then the Client (or someone on behalf of the Client) must send to BSR a signed statement within 14 days that the Client is satisfied that the person took all reasonable steps to fulfil their duties as under the 2010 Regulations. This must also include new contact details.

Where a person is unable to certify that they took all reasonable steps to fulfil their duties, a statement must be included explaining what steps they were unable to take and the reasons for not being able to take those steps.

The Client must ensure a record is made of any change of Principal Contractor (or sole contractor) or Principal Designer (or sole or lead designer) in the change control log together with confirmation in that log that a revised version of the construction control plan reflecting the change has been produced.

Completion certificate application

Once notifiable building work is complete, a completion certificate application can be submitted. The application must contain sufficient information to show how the building conforms to the approved design and satisfies all the applicable functional requirements. Dutyholders must also indicate their change control process and confirm that all changes have not changed their assessment of compliance.

This comprises:

- 'as built' plans and information;
- final versions of all accompanying documents that accompanied the initial application;
- any controlled changes and the change control log;
- information captured through construction;
- information captured through commissioning; and
- information captured through final functional inspections.

This information will be stored in the golden thread (please refer to the Building information through D&C – Golden Thread and [Storing building information - golden thread - Building safety - HSE](#)).

The application must include confirmation from the relevant person that they have received the golden thread and relevant handover information from the client and that they are able to access the information and that it is sufficient to enable them to understand, operate and maintain the building and the systems in it. BSR will confirm the validity of an application.

Occupation is not allowed until BSR is satisfied and issues a completion certificate, and the building is subsequently registered. This will be determined by the MDT within 8 weeks; and other parties, as appropriate, will be consulted.

BSR will carry out final inspections of the building work and assess whether the completion certificate application meets the following requirements:

- the higher-risk building work is complete and complies with all applicable requirement of building regulations;
- the required information and accompanying documents submitted as part of the completion certificate application are complete and accurate; and,
- the golden thread information (please refer to the Building information through D&C – Golden Thread and [Storing building information - golden thread - Building safety - HSE](#)) required to be handed over to the relevant person is complete and has been provided.

If BSR is satisfied, after taking all reasonable steps, that these requirements are met, it would approve the application and issue a completion certificate. If BSR is not satisfied

that these requirements have been met, it must reject the application. This would mean that a completion certificate is not issued to the applicant and therefore, the building cannot legally be occupied.

BSR will be able to agree an extension with the applicant to provide time for them to correct errors and/or provide additional information, rather than reject an application straight away. Where an application is rejected, BSR must inform the applicant in writing and explain the reason for rejection.

A completion certificate must be obtained before you can register your HRB, and therefore move to occupation.

Purpose

Assurance that:

- The building, as built, satisfies all applicable functional requirements;
- The PAP receives sufficient information to understand how to fulfil their duties;
- There is sufficient evidence to demonstrate that you did build what you had approval for; and
- Your process to manage and record changes, has been effective.

BSR will need to know all of this before an approval will be granted; and will seek information if things change and you don't tell us – so be prepared.

Outputs

- Completion certificate;
- Signed declaration from each construction phase dutyholder that they are confident the building satisfies all applicable functional requirements; and
- Building information that was relied upon to gain a completion certificate (the golden thread of information (please refer to the Building information through D&C – Golden Thread and [Storing building information - golden thread - Building safety - HSE](#)) passed to PAP.

Outcomes

- Confidence that those responsible for managing the building in use understand what they will need to do to ensure the building works as intended (designed).

How the output/outcome will be achieved

- Completion certificate application assessment;
- How BSR request further information to support the completion certificate application; and

- How BSR informs applicant of decision.

Building information through D&C – Golden Thread

Introduction

The information relied upon to support a completion certificate application is the golden thread of information through design and construction.

Purpose

- Assurance that sufficient evidence is available at the completion certificate application stage to ensure the application is valid; and
- Assurance that evidence captured for any aspect of the build is of sufficient quality to allow a decision on compliance for that aspect.

Outputs

- The body of evidence submitted in support of the completion certificate application:
 - change control log (please refer to **Record-keeping** ;
 - suite of agreed documents; and
 - bank of evidence to demonstrate the ‘what’ agreed documents are reflected in the ‘as built’.

Outcomes

- BSR can assess the completion certificate application in a prompt and timely manner;
- Responsible Persons have relevant fire safety information for the building;
- PAP/APs have relevant information for their building; and
- PAP/APs understand where their fire strategy relies upon a specific management requirement.

How the outcome/ output will be achieved

- Client provides and adequately resources suitable digital system(s) to allow golden thread to be stored;
- Information management policies/procedures/protocols in place to ensure:
 - security from unauthorised access;
 - availability for authorised access; and

- version control.
- Early dialogue with those who need to use the information, including PAP/APs about information transfer/ access; including:
 - contractors authorised access controls to allow them to update their information through the construction phase;
 - design team access to controls/ alerts to allow changes in design to be monitored;
 - Principal Contractor has access to controls to allow monitoring of evidence capture and ability to raise alerts with design team where there is evidence of divergence from agreed documents; and
 - PAP/AP clarity on how golden thread to be transferred at completion certificate application stage.
- Evidence required is sufficiently specified in the construction control plan (CCP) (please refer to **Construction Control Plan**);
- Evidence is captured in accordance with detail in CCP; and
- All controlled changes are recorded appropriately (please refer to **Change control applications and processes** .

Enforcement

The new regime brings in changes that strengthen existing powers and introduces new enforcement tools that BSR will have at its disposal.

These powers will be available for building control authorities for all building work.

Offence	Scope of Power	Penalty	Reference
Providing false or misleading information to BSR	Criminal offence Triable as an either way offence	Unlimited fine 1 year imprisonment (magistrates) 2 years imprisonment (crown)	Section 24 BSA22
Contravention of building regulations	Criminal offence Triable as an either way offence No time limit	Unlimited fine Fine for each day the contravention continues (£200)	Section 35 BA84
	Compliance notice Must be served within 12 months	Unlimited fine 1 year imprisonment (upon summary conviction - magistrates)	Section 35B BA84
	Stop notice		Section 35C BA84
Failure to comply with compliance and stop notice	Criminal offence	2 years imprisonment (upon indictment - crown)	Section 35B & C BA84
Removal of offending work	Time limit extended to 10 years	Notice to remove contravening work Chargeable work	Section 36 BA84

Directors and managers can also be found liable for any of the criminal offences mentioned.

Compliance and stop notices can be served without the need to go to a magistrate's court in the first instance.

A breach of building regulations removes altogether the time limit for prosecutions under Section 35 of the Building Act, and will have an increased penalty, with a maximum penalty of an unlimited fine and up to two years in prison.

Compliance notices can be served against any breach of building regulations and require corrective action by a set date. Failure to comply will be a criminal offence.

Stop notices can be served against a breach of specified building regulations, such as a breach of a compliance notice and any breach of building regulations which is likely to cause 'serious harm'. A stop notice requires that all specified work is stopped until the contravention is rectified and failure to comply will be a criminal offence.

Section 36 of BA84 (notice for remedial action) extends the time limit for enforcement from two years to ten years.



Further information

For information about health and safety, or to report inconsistencies or inaccuracies in this guidance, visit www.hse.gov.uk.

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