

Approved Inspectors Ltd

Dutyholder and declarations guidance



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Background Information

What has changed?

The Government has published amendments to the Building Regulations which apply to all building control applications from 1st October 2023.

As part of these changes a new regulatory body call the Building Safety Regulator (BSR) has been formed to oversee many aspects of building safety, including Building Regulations and Building Control.

What does this mean for you?

If you, or someone on your behalf, have submitted a building control application, you have new legal responsibilities from 1st October 2023 as a Client, Designer or Contractor.

These are know as Dutyholder Roles.

If you do not follow the legal procedures prescribed for your role, it will result in your application being rejected or reverted to Local Authority control.

Registered Building Control Approvers and Registered Building Inspectors

Under the new system, all Approved Inspectors will need to become Registered Building Control Approvers (RBCAs) and be registered with the BSR.

Approved Inspectors Ltd achieved RBCA registration on Thursday 4th April 2024.

Building Control is now a registered profession which means there is now a requirement for certain qualifications or experience to be held by individuals working within the profession and for them to register with the BSR as Registered Building Inspectors.

These changes are to ensure high performance and consistency across all sectors.

This document explains the dutyholder roles and responsibilities.

Summary of Dutyholder Roles

The following identifies the prescribed roles in the new Part 2A Dutyholders and Competence.

All dutyholders must share information with anyone who might be affected within the Client, Designer and Contractor chain.

A person for whom the project is carried out.

CLIENT

DOMESTIC CLIENT

Same as the client, but **not** for the furtherance of a client's business.

The designer appointed under Regulation 11D. Usually the lead designer.

PRINCIPAL DESIGNER

DESIGNER

Any person (including a Client, contractor etc.) who carries out, arranges for, or instructs design.

The Builder appointed under Regulation 11D. Usually the lead contractor.

PRINCIPAL CONTRACTOR

CONTRACTOR

Any person (but not a Domestic Client) who carries out, manages or controls work.

So where do you fit in?

Continue reading to find out more information about each role.

Client and Domestic Client Duties

CLIENT

Building and design work is done on behalf of the Client, in relation to the Client's business. A Client can be an organisation or an individual. They will often be a developer or the building owner.

As the Client, you must make suitable arrangements for planning, managing, and monitoring a project so it complies with all relevant requirements on completion.

You must:

1. Allocate enough time and resources for the building work to comply with building regulations
2. Establish, review, and maintain systems and arrangements to meet building regulations
3. Co-operate with others working on the project so they can comply with their duties
4. Enable co-operation between designers and contractors

You must provide building information to every designer and contractor working on the project. Building information relates to:

- The building work or design work
- The planning and management of the project
- Any issues involving compliance with relevant requirements and how they have been addressed

You must take all reasonable steps to appoint designers and contractors with the necessary competence or organisational capability to carry out their roles.

DOMESTIC CLIENT

A Domestic Client is any individual who has building work carried out on their home, or the home of a family member. The building work is done for domestic purposes, not for business purposes.

As the Domestic Client, you are in control of the project, which means you must:

1. Allocate enough time and resource for the building work to comply with building regulations
2. Appoint designers and contractors
3. Co-operate with anyone working on, or in relation to the project, so everyone involved can comply with their duties and functions

You must provide building information you have to designers and contractors working on the project. This includes information about:

- Known work that has been carried out
- Surveys carried out and kept from a mortgage application, or prior to any building work

Some Domestic Client duties must be carried out by the Principal Contractor, (or Principal Designer if agreed). These duties include Regulations 11A(1) to (3) [detailed as 1-3 above] and 11E(2) to (5) [considerations before a person carries out work and assessing competence].

Principal Designer and Designer Duties

PRINCIPAL DESIGNER

The lead designer. You must have the necessary competence requirements to work as a principal designer. It is important you are part of the design team and not a third party without any influence over design decisions.

You must:

1. Take reasonable steps to make sure all designers comply with their duties under building regulations
2. Assess design work to make sure all designers produce designs that comply with relevant building regulations
3. Plan, manage, monitor and co-ordinate the design work during the design phase
4. Work with the Principal Contractor and share information about planning, managing, monitoring and co-ordinating the design and building work
5. Have regard to comments from the Principal Contractor about compliance with the Building Regulations
6. Assist the client in providing information to others
7. Take reasonable steps to make sure anyone working on the design co-operates, communicates and co-ordinates their work with the Client, Principal Contractor and other designers and contractors.
8. Provide a compliance declaration on termination of your position in the role/completion of the project
9. Perform all the functions listed within the Designer role below

This is different to the CDM Principal Designer role.

DESIGNER

Anyone (including the Client, Contractor or anyone else) who, during their business, carries out design work or arranges for or instructs anyone under their control to do so.

You must:

1. Not start any design work unless you are satisfied the client is aware what their legal duties are
2. Take all reasonable steps to ensure the design work carried out by you, or other designers you manage, is planned, managed and monitored so that if the building work were carried out, it would comply with the Building Regulations
3. Provide sufficient information about the design, construction and maintenance of the building to the client and other designers and contractors
4. Consider any other design work and report any compliance concerns relating to the design compliance to the Principal Designer and Client.
5. Advise the Principal Designer or Client whether any design work you are doing relates to a higher-risk building
6. Tell the Principal Designer if you are concerned that your design work makes other design work non-compliant or other design work makes your design work non-compliant

Principal Contractor and Contractor Duties

PRINCIPAL CONTRACTOR

The lead contractor. You must have the necessary competence requirements to work as a principal contractor.

You must:

1. Plan, manage monitor and co-ordinate matters related to the building work
2. Make sure building work done by all contractors is co-ordinated so that it complies with all relevant requirements
3. Assess building work to make sure it complies with relevant building regulations
4. Never accept non-compliant work
5. Work with the Principal Designer and share information about planning, managing, monitoring and co-ordinating the design and building work
6. Assist the client in providing information to others
7. Take reasonable steps to make sure anyone working on the design co-operates, communicates and co-ordinates their work with the Client, Principal Designer and other designers and contractors.
8. Review the arrangements of any previous Principal Contractor
9. Provide a compliance declaration on termination of your position in the role/completion of the project
10. Perform all the functions listed within the Contractor role below

CONTRACTOR

Anyone (including the Client, but not a Domestic Client) who, in the course of a business, carries out, manages or controls any building work.

You must:

1. Not start any design work unless you are satisfied the client is aware what their legal duties are
2. Take all reasonable steps to ensure the building work carried out by you, or other contractors you manage, is planned, managed and monitored so that the building work complies with the Building Regulations
3. Co-operate with the Client, Designers and Contractors to make sure the building work complies with all relevant requirements.
4. Provide each worker you are responsible for with appropriate supervision, instructions and information to ensure the building work complies with the Building Regulations
5. Provide sufficient information about the work to allow the Client, other designers and contractors to comply with the Building Regulations
6. consider other building works when you are only carrying out part of the building work and report any concerns relating to compliance to the Principal Contractor
7. Provide advice to the Principal Contractor or the Client on whether any work is higher-risk building work

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Notification of Dutyholders

Notification of Dutyholders

The Client must give notification to the RBCA when they appoint a Principal Contractor (or a Sole Contractor) or a Principal Designer (or Sole Designer).

The notice must be given to the Approved Inspector and include,:

- The name, address, telephone number and e-mail address of the dutyholder(s)
- If the appointment is a change of dutyholder:
 - the name, address, telephone number and e-mail address of the previous dutyholder and the date their appointment ended
- If the notice is given on behalf of the client:
 - a signed statement from the Client that they agree to the notice being given and that the information in the notice is correct.

Where the Client is a Domestic Client, the relevant notices can be given to the RBCA by the Principal Contractor or Principal Designer and include a statement that the notice is given on behalf of a Domestic Client.

For convenience we have created online forms which you can complete to satisfy the above. The links to the form will be e-mailed to you as part of the Initial Notice documents.

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Intention to Start and Commencement

Notice of Intention to Start

Start date = the date you start on the permanent works (doesn't include demolition)

Please provide a formal notice to AI Ltd at least two working days prior to starting the works on site.

On acceptance of our quote we will ask for a predicted start date. Once you have reached the start date you need to send formal notice. We will send you a link to an online form that you can complete.

Notice of Commencement

To serve the Initial Notice, the Client must advise the RBCA of the date when it is proposed that sufficient work will have been carried out to deem the project as 'commenced'.

When is commencement?

Commencement of complex buildings:

When the foundations supporting the building and the structure of the lowest floor level of that building (but not the other buildings or structures to be supported by those foundations) are to be completed.

Commencement of new buildings or horizontal extensions:

Work is regarded as commenced when the sub-surface structure of the building or the extension including all foundations, basement level (if any) and the structure of the ground floor level is completed. This can usually be classed as structural slab level.

Commencement of all other building work:

Work is regarded as commenced when 15% of the work is completed.

After three years, the Initial Notice will automatically cease to have effect unless the project is deemed commenced and the Client has given written notice to the RBCA.

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Compliance Declarations

Compliance Declarations

Where work described in an Initial Notice is complete, the Client must notify the RBCA. The notice must include:

- The name, address, telephone number and e-mail address of the Client
- The name, address, telephone number and e-mail address of the Principal Contractor and Principal Designer
- A statement that the building work is complete
- A statement signed by the Client that, to the best of the Client's knowledge, the building work complies with the Building Regulations
- A statement given by each Principal Contractor for the work and each Principal Designer for the work, signed by the person to which the declaration relates and includes,
 - The name, address, telephone number and e-mail address of that person
 - The date of their appointment
 - Confirmation that they fulfilled their duties under the Building Regulations

The RBCA cannot issue its Final Certificate without receiving the signed compliance declarations from the Client, Principal Contractor and Principal Designer.