

DUTY HOLDER PROVISIONS

Guidance Pertaining to the Role of Duty Holders.

Please also refer to our information booklet on Duty Holders and Changes to the Building Regulations

On October 1, 2023, significant changes were implemented to Building Regulations, aimed at clarifying roles and responsibilities throughout construction projects. This alignment with the principles of the Building Safety Act 2022 introduces new Duty Holder roles for those involved in designing and executing construction projects.

A Duty Holder is required to be nominated at deposit of plans/validation stage to meet Building Regulations.

The regulations tell us that all Duty Holders are obliged 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.

These changes emphasise that compliance with Building Regulations is primarily the responsibility of the Client, Principal Designer, and Principal Contractor, and Building Control will not be involved in the design process in any way. It's vital that any changes on site are agreed with the architect/ designer before making them, otherwise, the client or contractor that instigated the change would automatically take on the role of Principal Designer and all future liability.

! Warning. This includes residential homeowners who may be embarking on a project for the first time. Residential homeowners are referred to as Domestic Clients.

There are three new main Duty Holders defined in the amended regulations.

- **Client** including Domestic Clients (previously known as the Applicant)
- **Principal Designer** (previously known as the Agent)
- **Principal Contractor** (previously known as the Builder)

The duty to ensure compliance of a construction project remains with those who procure the building work and those who have key roles in the design and construction process. These Duty Holders are also responsible for ensuring that building work is designed and built to be compliant with Building Regulations minimum standards. The Duty Holders are required to work together to ensure that the project complies with the requirements of the regulations. Ultimately this will ensure that the Building Control Body can issue a completion certificate once they are satisfied that the evidence provided, together with the works checked on site is completed satisfactorily.

Duties of each stakeholder

Clients (including domestic clients)

Clients need to ensure that those they appoint to plan, manage and monitor building works are competent (i.e. have the necessary, skills, knowledge, experience and behaviours) or if they appoint an organisation, they have the capability to carry out the design work and building work they are engaged to do on behalf of the client and only undertake work within the limits of that competence.

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

Domestic Clients

Main duties

Where there is more than one person 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 automatically becomes the principal designer and the contractor in control of the construction phase of the project automatically becomes the principal contractor. These two disciplines carry responsibilities on behalf of the client.

It is highly unlikely that the declared client would be competent to undertake the monitoring of the project, a requirement they must now undertake in some capacity. **The most feasible and cost-effective solution is for the Client to employ the services of a clerk of works. Building Control will not be directly assessing the competence of Duty Holders.** The new procedures require that Duty Holders only take on work for which they are competent to undertake, and clients make suitable checks to ensure the competence of whom they appoint.

- They (the client) must provide building information that they are in possession of or would be 'reasonable' for them to obtain, to pass to designers and contractors working on the project.
- They (the client) must cooperate with anyone working on or in relation to the project to the extent necessary to allow/support them to comply with their duties or functions.

Client - Organisations or individuals for whom a construction project is carried out for that is done as part of a business.

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Main duties

- Make suitable arrangements for planning, managing, and monitoring a project, including the allocation of sufficient time and resources to deliver compliance with Building Regulations. In practice, this means appointing the right people, with the right competencies (i.e., the skills, knowledge, experience, and behaviours) 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 (where necessary) to make them aware that the project includes any existing or proposed higher risk building work.

Principal Designers (PD). A designer appointed by the client/domestic client with projects that involve more than one contractor. They can be an organisation or an individual with sufficient knowledge, experience, and ability to carry out the role.

If a Structural Engineer has been appointed to undertake a design as part of the projects design team but is not the nominated Principal Designer. He/she still have the responsibility (Reasonable step) to attend site to ensure that their design has been carried out in accordance with the Building Regulations and that all installation has been installed to their design (Historically this was left to Building Control, this is no longer the case).

It would now be viable that the nominated Principal Designer when they come to sign the compliance declaration notice upon completion of the project would require written and signed documentation from every designer on the design team stating they have undertaken their required duties, and the works comply with the Building Regulations.

Main duties

- 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 (or any revisions to the original design) relevant to the building work. Assist the client in providing information to others where applicable.

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

- 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 where applicable.
- Cooperate and share information with other relevant Duty Holders.

End of project

A Final Inspection must be booked within 5 days of work completing. All registrations that are required such as those needed for electrical, and boiler competent persons must be completed and notified to LABC before or at the final completion inspection.

! Warning, A completion certificate cannot be issued without this paperwork being satisfactorily deposited.

All documentation including final plans are held by the Client/Domestic Client. Once a satisfactory final inspection has been completed, we will issue a Completion Certificate to the Client/Principal Client. This is an important document which will be needed if the property is sold or re-mortgaged.

All applications that are validated by Building Control after 1 October 2023 onwards will be assessed under the regulations described above. Those deposited before the 1 October 2023 will be applicable to the previous regulations and Building Regulations process.

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