

Specific notices in relation to building work during the construction phase before completion (England)

Building Regulations 2010 (as amended).

In accordance with Regulation 16(3C), anyone required by Regulation 12 to give a building notice or an application for building control approval with full plans (Full Plans) to carry out building work shall give the council notice that the work has reached a stage where it can be regarded as commenced for the purposes of compliance with Regulation 46A. A 'regarded as commenced' notice must be given before the end of 5 days after the date the work reached a point where it is regarded as commenced.

Notice to the council about building work being regarded as commenced.

Location of the building work _____

Building Control reference number _____

Date the work was regarded as commenced ____/____/20____

Name of the person carrying out the work _____

Signature of the person carrying out the work _____

Date _____ this being no more than 5 working days after the date shown above

It is important to understand that, in accordance with Regulation 16(3E), the council may reject this notice if it considers the work cannot be regarded as commenced – in other words the work does not appear to have reached one or more of the stages mentioned in Regulation 46A(2), (3), or (4).

A rejection notice about 'work regarded as commenced' must be given within four weeks of the date this notice was given to the council. If one is not given within that time, then the work is regarded by the council as commenced.

Where a rejection notice by the council is accepted by the person mentioned above, then another 'work regarded as commenced' notice may not be given unless the reasons the council has explained in its rejection notice have been satisfied. The council may also take steps, as it thinks appropriate, to check whether the work is to be regarded as commenced, which may include one or both of the following:

- (a) requiring information.
- (b) laying open of work for inspection.

As well as the above notice, and in accordance with Regulation 16, the person carrying the work must have also given the council a notice about 'start of work'. A separate notification form is available for this.

A 'work regarded as commenced' notice is not the same as a notice about the 'start of work'. A 'work regarded as commenced' notice is important as it informs the council that the work has reached a stage whereby all (or part) of the work can be protected from the application being considered to have lapsed. More details about the lapse of building control approval etc. can be found in Regulation 46A.

Examples of the difference between what the 'start of work' and what 'work is regarded as commenced' mean are given below (the examples are not exhaustive) and the applicant, their designer and/or builder should refer to all the meanings given in Regulation 46A –

Start of work includes the following –

For the construction of a new building or an extension, when strip or pad foundations have been excavated or piles have been installed.

Work regarded as commenced includes the following –

For a large building that shares its foundation with other buildings when the foundations supporting the building and the structure of the lowest floor level of that building (but not any other buildings or structures to be supported by those foundations) are completed; or

For a small house or an extension to the side(s) of a house when the sub-surface structure of the building or the extension, including: all foundations, any basement level (if any) and the structure of ground floor level is completed.