STATUTORY INSTRUMENTS

2025 No. 1236

BUILDING AND BUILDINGS, ENGLAND

The Building Safety Levy (England) Regulations 2025

Made - - - - 19th November 2025

Coming into force in accordance with regulation 1(2)

CONTENTS

PART 1
INTRODUCTORY
1. Citation, commencement, extent and application
2. Interpretation

PART 2
BUILDING SAFETY LEVY: GENERAL PROVISION
3. Building safety levy
4. Designation of collecting authorities

PART 3
KEY CONCEPTS
5. "Building control application"
6. "Major residential development" etc
7. "Residential building" and "relevant residential building"
8. "Ordinary residential dwelling"
9. "Purpose-built student accommodation" etc
10. "Residential floorspace"
11. "Communal space for residents"
12. "Gross internal area"
13. Exempt person: non-profit registered providers of social housing
14. Commencement of building work

PART 4
CHARGE TO THE LEVY
15. Charge to building safety levy
16. Amount charged
17. Chargeable accommodation floorspace
18. Chargeable amount of communal floorspace: general
19. Chargeable amount of communal floorspace: "relevant percentage"
20. Applicable area rate
21. Previously developed sites

PART 5
LIABILITY TO PAY THE LEVY
22. Liability of named client to pay the levy

23. "Named client"
24. Levy due date

PART 6
PROVISION OF LEVY INFORMATION

Chapter 1

Amendment of secondary legislation

25. Amendment of 2010 Regulations: general
26. Amendment of 2010 Regulations: requirement in relation to building safety levy information
27. Amendment of 2010 Regulations: building safety levy information
28. Amendment of 2010 Regulations: notices etc
29. Amendment of RBCA Regulations: information to be provided with initial notices etc
30. Amendment of HRB Regulations: general
31. Amendment of HRB Regulations: building safety levy information etc

Chapter 2

Applications made to the regulator: provision of information to, and by, the collecting authority

32. Provision of application information by the regulator
33. Provision of commencement of building work information by the regulator
34. Provision of new named client information by the regulator
35. Provision of confirmation by collecting authority

Chapter 3

Section 30A applications: provision of information by Secretary of State to a collecting authority

36. Applications under section 30A of the 1984 Act: rejection of higher-risk building application

PART 7
DETERMINATION OF LEVY LIABILITY

37. Collecting authority: determination of levy liability amount
38. "Determination period"
39. "Levy liability notice"
40. "Notice of no charge"

PART 8
VARIATION OF BUILDING CONTROL APPLICATIONS

Chapter 1

Meaning and effect of variation applications

41. Variation applications
42. Effect of a variation application
43. Cancellation and reinstatement of levy determination notices

Chapter 2

Amendment of secondary legislation

44. Amendment of RBCA Regulations: information to be provided with amendment notices
45. Amendment of HRB Regulations: information to be provided with change control applications

PART 9
LEVY INFORMATION SPOT CHECKS AND LEVY UPDATES

Chapter 1

"Levy information spot check"

46. "Levy information spot check"

Chapter 2

Circumstances in which levy information spot checks are carried out

47. Requirement to carry out levy information spot checks: Category 1

48. Requirement to carry out levy information spot checks: Category 2

Chapter 3

Process for carrying out levy information spot checks

49. Requirement to notify named client of levy information spot check
50. Further information and notice of outcome
51. Inaccurate building safety levy information

Chapter 4

Levy update notices

52. Levy update notices
53. Procedure and outcome for levy updates
54. Request for revised levy determination

PART 10

LEVY PAYMENT AND COMPLETION OF WORKS

Chapter 1

Payment of levy

55. Requirements in relation to levy payment certificates
56. Content of levy payment certificate

Chapter 2

Amendment of secondary legislation

57. Amendment of 2010 Regulations: completion notice
58. Amendment of 2010 Regulations: withholding a completion certificate
59. Amendment of RBCA Regulations: compliance declarations
60. Amendment of RBCA Regulations: rejecting final certificate
61. Amendment of HRB Regulations: completion certificate applications
62. Amendment of HRB Regulations: rejecting completion certificate applications

Chapter 3

Provision of information in relation to completion applications etc

63. Provision of information by the named client and by the collecting authority in relation to completion applications
64. Rejection of applications by the Secretary of State

Chapter 4

Refunds

65. Refund of levy payments: conditions A to D
66. Refund of levy payments: conditions E to K
67. Refunds: levy liability amount, levy liability notices and levy payment certificates

PART 11

PAYMENT OF RECEIPTS TO THE SECRETARY OF STATE

68. Provision of payment information to the Secretary of State
69. Payment and deduction of administrative expenses
70. Reimbursement by the Secretary of State

PART 12

DECISIONS OF COLLECTING AUTHORITY: REVIEWS AND APPEALS

71. Request for a review
72. Carrying out a review
73. Appeal against decision on a review

PART 13

SECRETARY OF STATE REVIEW OF REGULATIONS

74. Secretary of State review of building safety levy

SCHEDULES

Schedule 1 — Exempt buildings
Schedule 2 — Ordinary residential dwellings: exemptions
Part 1 — Social housing
Part 2 — Supported housing
Part 3 — Exempt accommodation
Schedule 3 — Area Rates
Schedule 4 — Named client
Schedule 5 — RBCA Regulations: substituted forms

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 1(1), 47(1), (2) and (5), 50(4) and (6), 51(1), 51A(2) and (3), 105C(1), (3), (5), (6) and (8) and 120A(2) and (3) of the Building Act 1984(**a**).

In accordance with section 120B(3) of the Building Act 1984, the Secretary of State has consulted the regulator (which has the meaning given in section 126 of the Building Act 1984) and such other persons as the Secretary of State considers appropriate.

In accordance with section 120A(7) of that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1
INTRODUCTORY

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Building Safety Levy (England) Regulations 2025.

(2) These Regulations come into force on 1st October 2026.

(3) These Regulations extend to England and Wales.

(4) These Regulations apply in relation to England only.

(5) These Regulations do not apply in relation to any building control application made before the day on which these Regulations come into force ("commencement date").

(6) These Regulations do not apply to—

(a) a variation application made on or after the commencement date, or

(b) a commencement notice given on or after the commencement date,

if the variation application or commencement notice relates to an original application which was made before the commencement date.

(**a**) 1984 c. 55. Section 51A was inserted by S.I. 1996/1905. Sections 105C and 120A were inserted by section 58 of, and paragraph 77 of Schedule 5 to, the Building Safety Act 2022 (c. 30) respectively. Section 120B was inserted by paragraph 77 of Schedule 5 to that Act. Section 51(2) applies the powers in section 50(5) to (7) to final certificates. Section 51A(6) applies the powers in section 47(5) to amendment notices. See section 105C(11) for the definition of "specified" and section 126 for the definition of "prescribed".

Interpretation

2.—(1) In these Regulations—

"the 1984 Act" means the Building Act 1984;

"the 2010 Regulations" means the Building Regulations 2010(**a**);

"bedspace" has the meaning given by regulation 6(4);

"building", except in regulation 21, means any permanent or temporary building but not any other kind of structure or erection, and a reference to a building includes a reference to part of a building;

"building control application" has the meaning given by regulation 5(1);

"building safety levy" has the meaning given by regulation 3;

"building safety levy information" has the meaning given in—

(a) in relation to a higher-risk building application or an updated application where the variation application is a change control application, regulation 17A of the HRB Regulations(**b**);

(b) in relation to an application for building control approval with full plans or a section 91ZB application, regulation 14ZA of the 2010 Regulations(**c**);

(c) in relation to an updated application where the variation application is a subsequent application for building control approval with full plans or a subsequent section 91ZB application, regulation 14ZA of the 2010 Regulations;

(d) in relation to an initial notice(**d**), the Annex to Form 1 or as the case may be Form 4 in Schedule 1 to the RBCA Regulations(**e**);

(e) in relation to an updated application where the variation application is an amendment notice(**f**), the Annex to Form 2 in Schedule 1 to the RBCA Regulations(**g**);

"chargeable application" means a building control application that is chargeable under regulation 15(1);

"collecting authority" has the meaning given by regulation 4;

"commenced", in relation to building work, has the meaning given by regulation 14;

"commencement notice" has the meaning given by regulation 14(2);

"communal space for residents" has the meaning given by regulation 11;

"compliant commencement notice" has the meaning given in regulation 38(10);

"contact information", in relation to a person, means the person's name, address, telephone number and, if available, e-mail address;

"development" has the same meaning as in section 55 of TCPA 1990(**h**);

(**a**) S.I. 2010/2214, as amended by S.I. 2012/3119, 2016/285, 2022/564, 2023/520, 2023/911 and 2024/110. There are other amending instruments, but none is relevant to this instrument.
(**b**) Regulation 17A is inserted into the HRB Regulations by regulation 31 of this instrument.
(**c**) Regulation 14ZA is inserted into the 2010 Regulations by regulation 27 of this instrument.
(**d**) See section 47 of the 1984 Act.
(**e**) Forms 1 and 4 of Schedule 1 to the RBCA Regulations are substituted by regulation 29 of this instrument.
(**f**) Section 51A of the 1984 Act which was inserted by S.I. 1996/1905.
(**g**) Form 2 of Schedule 1 to the RBCA Regulations is substituted by regulation 44 of this instrument.
(**h**) 1990 c. 8. Section 55 was amended by sections 13 and 14 of, and Schedules 6 and 19 to, the Planning and Compensation Act 1991 (c. 34); section 49 of, and Schedules 6 and 9 to, the Planning and Compulsory Purchase Act 2004 (c. 5), and S.I. 1999/293.

"exempt building" is defined in regulation 7(2);

"exempt person" has the meaning given by regulation 13;

"financial quarter" means the period of 3 months ending with the last day of March, June, September or December;

"gross internal area" has the meaning given by regulation 12;

"higher-risk building application" means—

(a) a building control approval application for HRB work;

(b) a building control approval application for a stage of HRB work;

(c) a building control approval application for work to existing HRB;

"the HRB Regulations" means the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023(**a**);

"levy charging information" has the meaning given in—

(a) in relation to a higher-risk building application or an updated application where the variation application is a change control application, regulation 17B of the HRB Regulations(**b**);

(b) in relation to an application for building control approval with full plans or a section 91ZB application, regulation 16A of the 2010 Regulations(**c**);

(c) in relation to an updated application where the variation application is a subsequent application for building control approval with full plans or a subsequent section 91ZB application, regulation 16A of the 2010 Regulations;

(d) in relation to an initial notice or an updated application where the variation application is an amendment notice, regulation 15A of the RBCA Regulations(**d**);

"levy determination notice" means—

(a) a notice of no charge;

(b) a levy liability notice;

"levy information spot check" has the meaning given by regulation 46;

"levy liability amount" has the meaning given by regulation 37(3)(a);

"levy liability notice" has the meaning given by regulation 39;

"levy payment certificate" has the meaning given by regulation 56;

"levy update application" has the meaning given by regulation 53;

"levy update notice" has the meaning given by regulation 52;

"major residential development" has the meaning given by regulation 6;

"named client" has the meaning given by regulation 23;

"notice of no charge" has the meaning given by regulation 40;

"ordinary residential dwelling" has the meaning given by regulation 8;

"original application", in relation to a variation application or an updated application, has the meaning given by regulation 42(1)(a);

(**a**) S.I. 2023/909, to which there are amendments not relevant to these Regulations.
(**b**) Regulation 17B is inserted into the HRB Regulations by regulation 31 of this instrument.
(**c**) Regulation 16A is inserted into the 2010 Regulations by regulation 28 of this instrument.
(**d**) Regulation 15A is inserted into the RBCA Regulations by regulation 29 of this instrument.

"part of a wider development" has the meaning given by regulation 15(4);

"planning permission" has the meaning given in section 336(1) of TCPA 1990(**a**);

"pre-commencement updated application" means an updated application, or a copy of it, which is received by the collecting authority before the first compliant commencement notice, or a copy of it, in relation to the original application is received by the collecting authority;

"previous development condition" has the meaning given by regulation 20(3);

"purpose-built student accommodation" has the meaning given by regulation 9;

"the RBCA Regulations" means the Building (Registered Building Control Approvers etc.) (England) Regulations 2024(**b**);

"receipt date" in relation to a building control application has the meaning given by regulation 38(2) and, in relation to a levy update application means the date referred to in regulation 53(2)(b);

"relevant residential building" has the meaning given by regulation 7(3);

"residential building" has the meaning given by regulation 7(1);

"residential floorspace" has the meaning given by regulation 10;

"revised levy determination notice" has the meaning given by regulation 67(6);

"section 91ZB application" means an application for building control approval with full plans relating to building work in respect of which the regulator is the building control authority under section 91ZB(2) of the 1984 Act(**c**);

"set of levy information" has the meaning given by regulation 46(3);

"social housing" has the meaning given by paragraph 1 of Schedule 2;

"supported housing" has the meaning given by paragraph 7 of Schedule 2;

"TCPA 1990" means the Town and Country Planning Act 1990;

"updated application" has the meaning given by regulation 42(2)(a);

"variation application" has the meaning given by regulation 41;

"working day" means a day other than—

(a) a Saturday or Sunday;

(b) Christmas Day or Good Friday;

(c) a day which is a bank holiday in England under the Banking and Financial Dealings Act 1971(**d**).

(2) The following terms have the same meaning as in the 2010 Regulations(**e**)—

"application for building control approval with full plans";

"building work".

(**a**) 1990 c. 8. The definition of "planning permission" is amended by Schedule 19 to the Planning and Compensation Act 1991 (c. 34), paragraph 40(3) of Schedule 12 to the Housing and Planning Act 2016 (c. 22) and paragraph 10(b) of Schedule 10 to the Levelling-up and Regeneration Act 2023 (c. 55).

(**b**) S.I. 2024/110, to which there are amendments not relevant to these Regulations.

(**c**) Section 91ZB was inserted by section 32(3) of the Building Safety Act 2022. See section 121A of the 1984 Act, which was inserted by section 32 of the 2022 Act, for the definition of "building control authority".

(**d**) 1971 c. 80.

(**e**) See regulation 2 of those Regulations.

(3) The following terms have the same meaning as in the HRB Regulations(**a**)—

"building control approval application for a stage of HRB work";

"building control approval application for HRB work";

"building control approval application for work to existing HRB";

"change control application";

"completion certificate application";

"partial completion certificate application".

(4) If a named client does not agree to receive a notice under these Regulations by e-mail the collecting authority may give the notice to the named client by sending it to the address provided in the contact information set out in the building control application.

(5) Any notice, notification or other document required by these Regulations to be given to a collecting authority or building control authority may be given online using an electronic portal authorised by a collecting authority or building control authority to be used for that purpose.

PART 2

BUILDING SAFETY LEVY: GENERAL PROVISION

Building safety levy

3. A levy, called "building safety levy", is to be charged in accordance with these Regulations.

Designation of collecting authorities

4.—(1) Subject to paragraph (2), the local authority(**b**) for the area in which a building or proposed building to which a building control application relates is or is to be situated is designated as the person to whom the building safety levy in relation to such an application is to be paid.

(2) If a building or proposed building to which a building control application relates is or is to be situated in the areas of more than one local authority, the local authority in whose area the greater part of the building is or is to be situated is designated, in respect of the whole of the building, as the person to whom the building safety levy in relation to such a building is to be paid.

(3) If—

(a) the application referred to in paragraph (1) is a higher-risk building application, and

(b) the building work to which the application relates is to be carried out in the areas of more than one local authority,

then any reference in these Regulations (except in paragraphs (1) and (2)) to that application as it applies in relation to a collecting authority is to be treated as a reference to the part of the application in relation to which the authority is designated under this regulation.

(4) For the purposes of these Regulations, a "collecting authority" is a local authority designated under paragraph (1) or (2).

(**a**) See regulation 2 of those Regulations.

(**b**) See section 126 of the 1984 Act for the definition of "local authority" which was substituted by paragraph 14(4) of Schedule 7 to the Local Government Act 1985 (c. 51). There are other amendments to section 126 not relevant to this instrument.

PART 3
KEY CONCEPTS

"Building control application"

5.—(1) Each of the following is a "building control application"—

(a) an application for building control approval with full plans;

(b) an initial notice;

(c) a higher-risk building application;

(d) an updated application.

(2) A building control application is "made"—

(a) in the case of an application for building control approval with full plans, if the application is given, in accordance with regulation 14 of the 2010 Regulations(**a**)—

(i) to a local authority, or

(ii) if the application is a section 91ZB application, to the regulator;

(b) in the case of an initial notice, if the notice is given to a local authority in accordance with section 47(1)(a) of the 1984 Act;

(c) in the case of a higher-risk building application, if the application is submitted to the regulator in accordance with regulations 3(a) and 4, or 11(1)(a) and 12, of the HRB Regulations;

(d) in the case of an updated application, in the circumstances described in regulation 42(3).

"Major residential development" etc

6.—(1) Subject to paragraphs (2) and (3), "major residential development" means development resulting in the provision of—

(a) at least 10 dwellings, or

(b) at least 30 bedspaces in purpose-built student accommodation.

(2) If development relates to a building which, immediately before the development, contains dwellings (the "pre-development dwellings") and after the development the building contains a different number of dwellings (the "post-development dwellings") then, for the purposes of paragraph (1), the development only results in the provision of at least 10 dwellings if the number of post-development dwellings is at least 10 more than the number of pre-development dwellings.

(3) If development relates to a building which, immediately before the development, contains bedspaces in purpose-built student accommodation (the "pre-development bedspaces") and after the development the building contains a different number of bedspaces (the "post-development bedspaces") then, for the purposes of paragraph (1), the development only results in the provision of at least 30 bedspaces in purpose-built student accommodation if the number of post-development bedspaces is at least 30 more than the number of pre-development bedspaces.

(4) "Bedspace", in relation to purpose-built student accommodation, means a sleeping area for one person (which may be in the same room as a bedspace for another person).

(**a**) Regulation 14 was substituted by S.I. 2023/911.

"Residential building" and "relevant residential building"

7.—(1) "Residential building" means a building that—

(a) is wholly situated in England;

(b) consists of, or contains—

(i) one or more dwellings, or

(ii) one or more bedspaces in purpose-built student accommodation, and

(c) is not an exempt building.

(2) Schedule 1 makes provision about the meaning of "exempt building".

(3) A residential building is a "relevant residential building", for the purposes of these Regulations, if it consists of or contains—

(a) at least one ordinary residential dwelling,

(b) at least one bedspace in purpose-built student accommodation, or

(c) communal space for residents.

(4) In these Regulations—

(a) references to a residential building include references to a proposed residential building, and

(b) references to a relevant residential building, apart from the references in regulations 17(2) and 18(2), include references to a proposed relevant residential building.

"Ordinary residential dwelling"

8.—(1) For the purposes of these Regulations, a dwelling is an "ordinary residential dwelling" unless it is—

(a) social housing,

(b) supported housing, or

(c) exempt accommodation, if and so far as the accommodation would otherwise be a dwelling.

(2) Schedule 2 makes further provision about each of the exemptions referred to in paragraph (1).

"Purpose-built student accommodation" etc

9.—(1) "Purpose-built student accommodation" means a building, or part of a building, that is designed or adapted for occupation solely or principally by persons undertaking a full-time course of further or higher education at a qualifying institution.

(2) "Qualifying institution" has the same meaning as it has in Part 2 of the Higher Education Act 2004(**a**).

(3) References in these Regulations to a dwelling do not include references to purpose-built student accommodation.

"Residential floorspace"

10. "Residential floorspace" means the gross internal area of each of the following—

(a) an ordinary residential dwelling;

(**a**) 2004 c. 8. See section 11 for the definition of "qualifying institution". Section 11 is amended by section 89(2) of the Consumer Rights Act 2015 (c. 15) and section 89(2) of the Higher Education and Research Act 2017 (c. 29).

(b) purpose-built student accommodation;

(c) communal space for residents.

"Communal space for residents"

11.—(1) "Communal space for residents" means an area of a residential building, other than an excluded area, which is—

(a) wholly or mainly for the benefit of the occupants of relevant residential units, or

(b) wholly or mainly for the benefit of both—

(i) the occupants of relevant residential units, and

(ii) the occupants of other units.

(2) In paragraph (1)—

(a) "relevant residential units" means—

(i) ordinary residential dwellings, and

(ii) bedspaces in purpose-built student accommodation;

(b) "other units" means—

(i) dwellings that are not ordinary residential dwellings, and

(ii) other areas of a building that are designed for occupation but are neither dwellings nor bedspaces in purpose-built student accommodation.

(3) The following are "excluded areas" for the purposes of paragraph (1)—

(a) an ordinary residential dwelling;

(b) an area that consists of purpose-built student accommodation;

(c) an area that is designed to be used wholly or mainly by the general public.

(4) Where building work to which a building control application relates is part of a wider development, in determining whether an area referred to in paragraph (1) is wholly or mainly for the benefit of the occupants of relevant residential units or, as the case may be, of other units, regard is to be had to all such units in all of the buildings across the wider development.

"Gross internal area"

12. For the purposes of the application of any provision of these Regulations, the "gross internal area" of a dwelling, purpose-built student accommodation or an area within a building is to be measured—

(a) in accordance with the Code of Measuring Practice (6th edition)(**a**), and

(b) in square metres, rounded to the nearest whole number (where 0.5 or more is rounded up).

Exempt person: non-profit registered providers of social housing

13.—(1) "Exempt person" means—

(a) a non-profit registered provider of social housing(**b**);

(**a**) The Code of Measuring Practice (6th edition) was published by the Royal Institution of Chartered Surveyors in May 2015. The Code is available at https://www.rics.org/profession-standards/rics-standards-and-guidance/sector-standards/real-estate-standards/code-of-measuring-practice and is also available for inspection during office hours at the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

(**b**) By virtue of Schedule 1 to the Interpretation Act 1978 (c. 30) see section 80 of the Housing and Regeneration Act 2008 (c. 17) for the meaning of "registered provider of social housing" and section 115 of that Act for what is meant by "non-profit" in relation to such providers. Section 80 was amended by S.I. 2010/844. Section 115 was amended by

(b) a company that is a wholly-owned subsidiary of a non-profit registered provider of social housing.

(2) For the purposes of paragraph (1), a company is a wholly-owned subsidiary of a non-profit registered provider of social housing (the "registered provider") if the company has no members except—

(a) the registered provider or persons acting on behalf of the registered provider;

(b) the registered provider's wholly-owned subsidiaries or persons acting on behalf of the registered provider's wholly-owned subsidiaries.

Commencement of building work

14.—(1) Building work is to be regarded as "commenced", for the purposes of any provision of these Regulations, if it is regarded as commenced—

(a) in accordance with regulation 46A of the 2010 Regulations(**a**), for the purposes of—

(i) section 32(6) of the 1984 Act,

(ii) regulation 9 of the HRB Regulations, or

(iii) regulation 17 of the HRB Regulations, or

(b) in accordance with regulation 16 of the RBCA Regulations, for the purposes of section 53A(6) of the 1984 Act(**b**).

(2) "Commencement notice" means—

(a) a notice given to the regulator under regulation 9(3) of the HRB Regulations,

(b) a notice given to the regulator under regulation 17(3) of the HRB Regulations,

(c) in relation to an application for building control approval with full plans or a section 91ZB application, a notice given under regulation 16(3C) of the 2010 Regulations(**c**), or

(d) in relation to an initial notice, a notice given under regulation 15(2) of the RBCA Regulations.

PART 4
CHARGE TO THE LEVY

Charge to building safety levy

15.—(1) A building control application is "chargeable", subject to the exception in paragraph (2), if—

(a) the building work to which the application relates would result in a new building which includes residential floorspace, an existing building which includes residential floorspace where previously it had none (whether by extension or change of use) or an existing building with an increased total area of residential floorspace (whether by extension or change of use), and

(b) the building work to which the application relates—

---

paragraph 23 of Schedule 4 to the Housing and Planning Act 2016 (c. 22), section 8 of, and paragraph 2 of Schedule 4 to, the Social Housing (Regulation) Act 2023 (c. 36) and S.I. 2010/844.

(**a**) Regulation 46A was inserted into the 2010 Regulations by S.I. 2023/911.

(**b**) Section 53A was inserted into the 1984 Act by section 36(7) of the Building Safety Act 2022 (c. 30).

(**c**) Regulation 16(3C) was inserted into the 2010 Regulations by S.I. 2023/911.

(i) is major residential development, or

(ii) is part of a wider development which is major residential development.

(2) But a building control application is not chargeable if the named client (or, if there is more than one named client, each of them) in relation to the application is an exempt person.

(3) The charge to building safety levy becomes payable, in respect of a chargeable application, when a levy liability notice or a revision to a levy liability notice is given in relation to the application.

(4) Building work is "part of a wider development" if—

(a) some or all of the building work is permitted to be carried out pursuant to a planning permission, granted before or after the building control application is submitted, for a wider development, or

(b) the building work affects only the interior of a building or buildings and is carried out as part of a wider development for which a planning permission is granted, whether before or after the building control application is submitted.

Amount charged

16.—(1) The amount of building safety levy charged in respect of a chargeable application is the amount given by—

(a) applying the formula in paragraph (2) in relation to each relevant residential building to which the application relates, and

(b) if the application relates to more than one relevant residential building, adding together the amounts determined under sub-paragraph (a).

(2) The formula is—

$$(A + C) \times R$$

where—

A is the amount of chargeable accommodation floorspace in relation to the relevant residential building (determined in accordance with regulation 17);

C is the chargeable amount of communal floorspace in relation to the relevant residential building (determined in accordance with regulations 18 and 19);

R is the applicable area rate (determined in accordance with regulation 20).

(3) But if the amount given by the formula in paragraph (2) is a negative number, the amount in relation to the building is treated as being nil.

(4) Where the building control application relates to part of a relevant residential building references in this regulation and in regulations 17 to 19 to the building are to be treated as references to the part of the building to which the application relates.

Chargeable accommodation floorspace

17.—(1) This regulation applies for the purposes of determining the amount of chargeable accommodation floorspace under the formula in regulation 16(2).

(2) The amount of "chargeable accommodation floorspace" in relation to a building is—

(a) if the building was a relevant residential building at the time the chargeable application was made, the amount given by taking Steps 1 to 3 in paragraph (3), and

(b) in any other case, the amount given by taking Step 1 in paragraph (3).

(3) The steps are—

Step 1

Calculate the total amount of the building's accommodation floorspace, if any, on completion of the building work to which the chargeable application relates assuming, for the purposes of the calculation, that the building work is carried out in accordance with—

(a) the application, and

(b) the planning permission, or as the case may be the development consent under section 31 of the Planning Act 2008(**a**), for the development to which the building work relates.

Step 2

Calculate the total amount of the building's accommodation floorspace at the time the application was made.

Step 3

Deduct the amount given by Step 2 from the amount given by Step 1.

(4) In this regulation "accommodation floorspace" means residential floorspace that is within—

(a) regulation 10(a);

(b) regulation 10(b).

Chargeable amount of communal floorspace: general

18.—(1) This regulation applies for the purposes of determining the chargeable amount of communal floorspace under the formula in regulation 16(2).

(2) The "chargeable amount of communal floorspace" in relation to a building is—

(a) if the building was a relevant residential building at the time the chargeable application was made, the amount given by taking Steps 1 to 3 in paragraph (3), and

(b) in any other case, the amount given by taking Step 1 in paragraph (3).

(3) The steps are—

Step 1

In relation to each post-completion area of residential floorspace which falls within regulation 10(c), if any—

(a) calculate the amount of that residential floorspace,

(b) determine, in accordance with regulation 19, the "relevant percentage" in relation to the area,

(c) calculate the relevant percentage of the amount given by sub-paragraph (a), and

(d) if there is more than one area of communal space for residents, add together the amounts given by paragraph (c).

Step 2

If, at the time the chargeable application was made, there is at least one area of communal space for residents, repeat Step 1 in relation to each pre-commencement area of residential floorspace which falls within regulation 10(c).

Step 3

Deduct the amount given by Step 2 from the amount given by Step 1.

(4) In this regulation—

(**a**) 2008 c. 29.

(a) references to a "post-completion" area are references to the area on completion of the building work to which the chargeable application relates assuming, for the purposes of the calculation, that the building work is carried out in accordance with—

(i) the application, and

(ii) the planning permission, or as the case may be the development consent under section 31 of the Planning Act 2008, for the development to which the building work relates, and

(b) references to a "pre-commencement" area are references to the area at the time the application was made.

Chargeable amount of communal floorspace: "relevant percentage"

19.—(1) In relation to an area of communal space for residents which falls within regulation 11(1)(a), the relevant percentage is 100%.

(2) In relation to an area of communal space for residents which falls within regulation 11(1)(b), the relevant percentage is determined as follows—

Step 1

Calculate in relation to the area of communal space for residents—

(a) the gross internal area of each of the relevant residential units which falls within regulation 11(1)(b)(i), and

(b) the total of the amounts given by paragraph (a).

Step 2

Calculate in relation to the area of communal space for residents—

(a) the gross internal area of each of the other units which falls within regulation 11(1)(b)(ii), and

(b) the total of the amounts given by paragraph (a).

Step 3

Apply the following formula—

$$P\ (\%) = \left(\frac{U}{U+O}\right) \times 100$$

where—

(a) P is the relevant percentage,

(b) U is the amount given by paragraph (b) of Step 1, and

(c) O is the amount given by paragraph (b) of Step 2.

Applicable area rate

20.—(1) This regulation applies for the purposes of determining the applicable area rate under the formula in regulation 16(2).

(2) The "applicable area rate", in relation to a relevant residential building, means—

(a) if the previous development condition in paragraph (3) is met in respect of the chargeable application, the area rate in relation to the collecting authority for the relevant residential building shown in column 2 of the table in Schedule 3, and

(b) in any other case, the area rate in relation to the collecting authority for the relevant residential building shown in column 3 of the table in Schedule 3.

(3) The "previous development condition" is that—

(a) the building work to which the chargeable application relates is to be carried out in relation to development for which planning permission is granted by the Town and Country Planning (General Permitted Development) (England) Order 2015(**a**), or

(b) the building work to which the application relates is to be carried out on a previously developed site (as defined in regulation 21).

Previously developed sites

21.—(1) A site is a previously developed site if immediately before the relevant date at least 75% of the land to which the relevant planning permission relates is previously developed.

(2) Land is "previously developed" if, on or after 1st July 1948, a building was situated on the land, whether or not that building is situated on the land on the relevant date.

(3) But paragraph (2) is subject to the exceptions in paragraph (4).

(4) Land is not "previously developed" at a particular time if, at that time—

(a) a building used for the purposes of agriculture or forestry is situated on the land,

(b) the building that was most recently situated on the land was a building used for the purposes of agriculture or forestry,

(c) the land has been developed for minerals extraction, or

(d) the land has been developed for waste disposal by landfill.

(5) In this regulation—

"agriculture" has the meaning given by section 336 of TCPA 1990;

"building" has the meaning given by section 336 of TCPA 1990 instead of the meaning given by regulation 2;

"forestry" includes afforestation;

"relevant date" means the earlier of—

(a) the date on which the relevant planning permission was granted, or

(b) the date on which any development authorised by the relevant planning permission was begun;

"relevant planning permission" means—

(a) if there is a sequence of planning permissions for development of the land to which the building work referred to in regulation 20(3) relates and the second and any subsequent planning permission is a section 73 planning permission, the first planning permission in the sequence, and

(b) in any other case, the planning permission for development of the land to which the building work referred to in regulation 20(3) relates;

"section 73 planning permission" means a planning permission granted on an application made under section 73 of TCPA 1990.

(**a**) S.I. 2015/596, which has been amended by S.I. 2016/332, 2016/765, 2016/772, 2016/1040, 2016/1154, 2017/391, 2017/571, 2017/619, 2017/1011, 2017/1012, 2018/119, 2018/343, 2018/695, 2019/907, 2020/330, 2020/412, 2020/632, 2020/755, 2020/756, 2020/1243, 2020/1459, 2021/428, 2021/467, 2021/814, 2021/1464, 2022/278, 2023/747, 2023/1279 and 2024/141.

PART 5

LIABILITY TO PAY THE LEVY

Liability of named client to pay the levy

22. The named client in relation to a chargeable application is liable to pay the amount of building safety levy charged in respect of the application.

"Named client"

23. Schedule 4 makes provision about the meaning of "named client" in relation to each kind of building control application.

Levy due date

24.—(1) Building safety levy charged in respect of a chargeable application must be paid on or before the earlier of—

(a) the completion notice date, and

(b) the first date of occupation.

(2) The "completion notice date" means—

(a) in the case of an application for building control approval with full plans, the date on which a notice under regulation 16(4) of the 2010 Regulations is given, in relation to any of the building work to which the application relates, to the building control authority;

(b) in the case of an initial notice, the date on which a notice is given, in relation to any of the building work to which the application relates, to the registered building control approver(**a**) under regulation 18 of the RBCA Regulations;

(c) in the case of a higher-risk building application the earlier of—

(i) the date on which a completion certificate application, in relation to any of the building work to which the higher-risk building application relates, is made to the regulator under regulation 40(1) of the HRB Regulations, or

(ii) the date on which a partial completion certificate application, in relation to any of the building work to which the higher-risk building application relates, is made to the regulator under regulation 45(2) of the HRB Regulations.

(3) The "first date of occupation" means—

(a) if the chargeable application relates to one relevant residential building or part of one relevant residential building, the date on which that building, or part, is first occupied, or

(b) if the chargeable application relates to more than one relevant residential building or part of more than one relevant residential building, the date on which any of those buildings, or parts, is first occupied.

(4) But a continuously occupied part of a relevant residential building is ignored for the purposes of determining the first date of occupation under paragraph (3).

(5) For the purposes of paragraph (4), a "continuously occupied part" of a building means a part of the building which—

(**a**) For the definition of "registered building control approver" see section 58N of the 1984 Act which was inserted by section 42 of the Building Safety Act 2022.

(a) is occupied before the start of the building work to which the chargeable application relates, and

(b) remains occupied while the building work is carried out.

PART 6

PROVISION OF LEVY INFORMATION

Chapter 1

Amendment of secondary legislation

Amendment of 2010 Regulations: general

25.—(1) Regulation 2 of the 2010 Regulations is amended as follows.

(2) In paragraph (1), in the appropriate places, insert the following definitions—

"bedspace" has the meaning given in the BSL Regulations;

"BSL Regulations" means the Building Safety Levy (England) Regulations 2025;

"collecting authority" has the meaning given in the BSL Regulations;

"communal space for residents" has the meaning given in the BSL Regulations;

"development" has the same meaning as in section 55 of the TCPA 1990;

"exempt person" has the meaning given in the BSL Regulations;

"gross internal area" has the meaning given in the BSL Regulations;

"levy determination notice" has the meaning given in the BSL Regulations;

"major residential development" has the meaning given in the BSL Regulations;

"named client" has the meaning given in the BSL Regulations;

"ordinary residential dwelling" has the meaning given in the BSL Regulations;

"original application" has the meaning given in the BSL Regulations;

"other units" has the meaning given in regulation 11(2) of the BSL Regulations;

"part of a wider development" has the meaning given in the BSL Regulations;

"previous development condition" has the meaning given in the BSL Regulations;

"prior approval" means an approval given or deemed to be given following a prior approval application;

"prior approval application" has the meaning given in section 69A(2) of TCPA 1990;

"purpose-built student accommodation" has the meaning given in the BSL Regulations;

"relevant residential building" has the meaning given in the BSL Regulations;

"relevant residential units" has the meaning given in regulation 11(2) of the BSL Regulations;

"residential floorspace" has the meaning given in the BSL Regulations;

"TCPA 1990" means the Town and Country Planning Act 1990;

"updated application" has the meaning given in the BSL Regulations;

"variation application" has the meaning given in the BSL Regulations.

Amendment of 2010 Regulations: requirement in relation to building safety levy information

26.—(1) Regulation 14 of the 2010 Regulations is amended as follows.

(2) At the end of paragraph (1), insert—

"(g) if the work relates to the provision of one or more dwellings, or one or more bedspaces in purpose-built student accommodation, and the building which consists of or contains the dwellings or bedspaces is a residential building (as defined in regulation 7 of the BSL Regulations), the building safety levy information in accordance with regulation 14ZA;

(h) if the application is an updated application and the building work, to which the updated application relates, relates to the provision of one or more dwellings, or one or more bedspaces in purpose-built student accommodation, and the building which consists of or contains the dwellings or bedspaces is a residential building (as defined in regulation 7 of the BSL Regulations)—

(i) the building safety levy information in accordance with regulation 14ZA in relation to the updated application but where the updated application is given on or after the day on which the first notice under regulation 16(3C) is given then the information in regulation 14ZA(1)(a) and (b) is not required,

(ii) if the levy charging conditions are met, the information and evidence set out in paragraph (5) in relation to the updated application, and

(iii) if the levy charging conditions are not met, the information and evidence set out in paragraph (6) in relation to the updated application.".

(3) After paragraph (4), insert—

"(5) Subject to paragraph (7), the information and evidence referred to in paragraph (1)(h)(ii) is—

(a) a statement setting out the number of dwellings, if any, to be provided as a result of the building work to which the application relates which are within any of sub-paragraphs (a) to (c) of regulation 8(1) of the BSL Regulations;

(b) a statement setting out the levy charging information in accordance with regulation 16A;

(c) a statement—

(i) in a case where regulation 16(3CA) has not applied to any notice under regulation 16(3C), which includes the applicable planning information within the meaning of regulation 16;

(ii) in any other case, confirming whether or not the applicable planning information previously provided continues to be correct and if it is not, the statement must include the applicable planning information as updated;

(d) evidence as to the matters described in sub-paragraphs (a), (b) and (c).

(6) Subject to paragraph (7), the information and evidence referred to in paragraph (1)(h)(iii) is—

(a) a statement—

(i) in a case where the variation application is received on a day which is before the first notice under regulation 16(3C) is received, which states that the

first notice under regulation 16(3C) was not given before the variation application was submitted;

(ii) in a case where the variation application is received on or after the day on which the first notice under regulation 16(3C) is received and regulation 16(3CA) did not apply to that notice and has not applied to any notice under regulation 16(3C), which—

(aa) includes the applicable planning information within the meaning of regulation 16;

(bb) explains how the levy charging conditions are not met;

(iii) in any other case, which—

(aa) confirms whether or not the applicable planning information previously provided continues to be correct and if it is not, the statement must include the applicable planning information as updated;

(bb) explains how the levy charging conditions are not met;

(b) evidence as to the matters described in sub-paragraph (a)(ii) or, as the case may be, (a)(iii).

(7) Where paragraph (1)(h) applies to the application and the application is an updated application relating to building work in respect of which the regulator is the building control authority under section 91ZB(2) of the 1984 Act—

(a) any evidence required by paragraph (5) or (6) to accompany the application must instead be sent to the collecting authority together with a statement identifying the application to which the evidence relates;

(b) the documents referred to in sub-paragraph (a) must be sent to the collecting authority, by the client, on the same day that the application is sent to the regulator.

(8) In this regulation the "levy charging conditions" are that—

(a) the variation application is received on or after the day on which the first notice under regulation 16(3C) is received in relation to the original application,

(b) the building work to which the updated application relates would result in a new building which includes residential floorspace, an existing building which includes residential floorspace where previously it had none (whether by extension or change of use), or an existing building with an increased total area of residential floorspace (whether by extension or change of use),

(c) the building work to which the application relates is, or is anticipated to be, major residential development or is part of a wider development which is, or is anticipated to be, major residential development, and

(d) the named client or, if there is more than one named client, each of them, in relation to the application is not an exempt person.".

Amendment of 2010 Regulations: building safety levy information

27. After regulation 14 of the 2010 Regulations insert—

"Building safety levy information

14ZA.—(1) The "building safety levy information" is—

(a) a statement as to whether the applicable work relates to development—

(i) for which planning permission is required, or

(ii) to which section 33 of the Planning Act 2008 applies,

(b) in a case where planning permission is required, also one of the following statements—

(i) a statement that the planning permission has been granted, together with information identifying the permission;

(ii) a statement that an application for planning permission has been made but not yet determined, together with information identifying the application for planning permission;

(iii) a statement that an application for planning permission has not yet been made;

(iv) a statement that the planning permission is subject to prior approval and the prior approval requirement is satisfied, together with information identifying the prior approval and how the requirement is satisfied;

(v) a statement that the planning permission is subject to prior approval and a prior approval application has been made but the prior approval requirement is not yet satisfied, together with information identifying the prior approval application;

(vi) a statement that the planning permission is subject to prior approval and a prior approval application has not yet been made,

but where the planning permission expressly provides for the development to be carried out in phases the references in paragraphs (i), (ii) and (iii) to the planning permission is a reference to the planning permission for the particular phase or phases of the development to which the application for building control approval with full plans relates,

(c) in a case where planning permission is required or section 33 of the Planning Act 2008 applies, a statement as to whether the building work to which the application for building control approval with full plans relates is, or is anticipated to be, major residential development or is part of a wider development which is, or is anticipated to be, major residential development,

(d) if the regulator is the building control authority under section 91ZB(2) of the 1984 Act in relation to the application for building control approval with full plans, the local authority in whose area each of the buildings to which that application relates is or is to be situated,

(e) the number of dwellings, if any, that would be provided as a result of the building work to which the application for building control approval with full plans relates,

(f) if purpose-built student accommodation would be provided as a result of the building work to which the application for building control approval with full plans relates, the number of bedspaces that would be contained in the purpose-built student accommodation, and

(g) if paragraph (3) applies in relation to the application for building control approval with full plans given on or after the day the first notice under regulation 16(3C) is received, the details of any levy determination notice given in respect of the original application or the updated application comprising that original application and one or more variation applications.

(2) In paragraph (1), the prior approval requirement is satisfied, in relation to a development, if the outcome of the prior approval application is that—

(a) prior approval is given or is deemed to be given, or

(b) the local planning authority has determined prior approval is not required (where local planning authority has the meaning given in section 336 of TCPA 1990).

(3) Where the application for building control approval with full plans is a "variation application" that is treated, for the purposes of the BSL Regulations, as an "updated application", references in this regulation to the application for building control approval with full plans are to be treated as references to the updated application comprising the variation application, the original application to which it relates and any other variation applications relating to that original application.

(4) In this regulation "applicable work" means—

(a) the building work to which an application for building control approval with full plans relates, but

(b) where the building work is part of a wider development, all the work included in that development.".

Amendment of 2010 Regulations: notices etc

28.—(1) In regulation 16 of the 2010 Regulations—

(a) after paragraph (3C) insert—

"(3CA) Subject to paragraphs (3CB) and (3CC), where building work, to which an application for building control approval with full plans relates, relates to the provision of one or more dwellings, or one or more bedspaces in purpose-built student accommodation, and the building which consists of or contains the dwellings or bedspaces is a residential building (as defined in regulation 7 of the BSL Regulations), a notice under paragraph (3C) must also—

(a) if the levy charging conditions are met—

(i) include a statement setting out the number of dwellings, if any, to be provided as a result of the building work to which the application for building control approval with full plans relates which are within any of sub-paragraphs (a) to (c) of regulation 8(1) of the BSL Regulations;

(ii) include a statement setting out the levy charging information, in accordance with regulation 16A (levy charging information), in relation to the application for building control approval with full plans to which the notice relates;

(iii) include a statement setting out the applicable planning information;

(iv) be accompanied by evidence as to the matters described in paragraphs (i), (ii) and (iii),

(b) if the levy charging conditions are not met—

(i) include a statement setting out the applicable planning information;

(ii) include a statement explaining how the levy charging conditions are not met;

(iii) be accompanied by evidence as to the matters described in paragraphs (i) and (ii), or

(c) if a statement and any evidence under sub-paragraph (a) or (b) has been given previously in relation to the building work to which the application for building control approval with full plans relates, include a statement to that effect.

(3CB) Where the application for building control approval with full plans referred to in paragraph (3CA) is an application relating to building work in respect of which the regulator is the building control authority under section 91ZB(2) of the 1984 Act—

(a) the evidence required to accompany a notice under paragraph (3C) must instead be sent to the collecting authority together with a statement identifying the application to which the evidence relates;

(b) the documents referred to in sub-paragraph (a) must be sent to the collecting authority, by the client, on the same day that the notice under paragraph (3C) is sent to the regulator.

(3CC) Where, in relation to the application for building control approval with full plans referred to in paragraph (3CA), no statement under regulation 14ZA(1)(c) to (f) has previously been required, the notice under paragraph (3C) must include whichever of those statements under regulation 14ZA(1)(c) to (f) that is applicable.";

(b) after paragraph (9) insert—

"(10) In this regulation—

(a) the "levy charging conditions" are—

(i) the building work to which the application for building control approval with full plans relates would result in a new building which includes residential floorspace, an existing building which includes residential floorspace where previously it had none (whether by extension or change of use), or an existing building with an increased total area of residential floorspace (whether by extension or change of use),

(ii) the building work to which the application relates is, or is anticipated to be, major residential development or is part of a wider development which is, or is anticipated to be, major residential development, and

(iii) the named client or, if there is more than one named client, each of them, in relation to the application is not an exempt person;

(b) subject to sub-paragraph (c), "applicable planning information" is—

(i) where a statement under regulation 14ZA(1)(a) stated that planning permission is not required, a statement confirming whether or not that remains the case and if it has changed setting out details of the change;

(ii) where a statement under regulation 14ZA(1)(a) stated that section 33 of the Planning Act 2008 applies, a statement confirming whether or not that remains the case and also identifying the development consent under section 31 of the Planning Act 2008 and if it has changed setting out details of the change;

(iii) where regulation 14ZA(1)(b)(i) or (iv) applied to the application for building control approval with full plans at the time that application was made, a statement confirming that information identifying the planning permission or prior approval have already been provided but if the planning permission has changed since the time that application was made the statement must set out details of the planning permission as updated;

(iv) where regulation 14ZA(1)(b)(ii) or (iii) applied to the application for building control approval with full plans at the time that application was made, information identifying the planning permission granted;

(v) where regulation 14ZA(1)(b)(v) or (vi) applied to the application for building control approval with full plans at the time that application was made,

information identifying the prior approval and how the prior approval requirement is satisfied,

but where the planning permission expressly provides for the development to be carried out in phases the reference in paragraph (iii) and (iv) to the planning permission is a reference to the planning permission for the particular phase or phases of the development to which the application for building control approval with full plans relates;

(c) if, at the date the applicable planning information is to be included in a notice or application, no statement has previously been required under regulation 14ZA(1)(a) or (b), then the "applicable planning information" is whichever of those statements under regulation 14ZA(1)(a) or (b) that is applicable, as updated;

(d) for the purposes of sub-paragraph (b)(v), a prior approval requirement is satisfied, in relation to a development, if the outcome of the prior approval application is that—

(i) prior approval is given (or is deemed to be given), or

(ii) the local planning authority has determined prior approval is not required (where local planning authority has the meaning given in section 336 of TCPA 1990).".

(2) After regulation 16 insert—

"Levy charging information

16A.—(1) The "levy charging information" is—

(a) a statement as to whether the previous development condition is met in respect of the relevant building application, and

(b) the following information in relation to each relevant residential building to which the relevant building application relates—

(i) the floorspace information in relation to the building on completion of the building work to which the relevant building application relates, and

(ii) if the building is a relevant residential building at the time the relevant building application was made, the floorspace information in relation to the building at that time.

(2) Subject to paragraphs (5) to (7), the "relevant building application" means—

(a) where the levy charging information is required by regulation 16(3CA) to be included in a notice under regulation 16(3C), the application for building control approval with full plans to which the notice relates;

(b) where the levy charging information is required under regulation 14(1)(h) to be included in an application, the updated application referred to in that regulation.

(3) The "floorspace information" is—

(a) the gross internal area of each ordinary residential dwelling;

(b) the gross internal area of purpose-built student accommodation;

(c) the gross internal area of each area of communal space for residents;

(d) in relation to each area of communal space for residents, a statement as to whether it is within—

(i) regulation 11(1)(a) of the BSL Regulations, or

(ii) regulation 11(1)(b) of the BSL Regulations;

(e) in relation to each area of communal space for residents that is within regulation 11(1)(b) of the BSL Regulations—

(i) the gross internal area of each of the relevant residential units within regulation 11(1)(b)(i), and

(ii) the gross internal area of each of the other units within regulation 11(1)(b)(ii).

(4) For the purposes of any calculation under paragraph (3), it is to be assumed that the building work is carried out in accordance with—

(a) the relevant building application, and

(b) the planning permission and any agreement under section 106 of TCPA 1990, or as the case may be the development consent under section 31 of the Planning Act 2008, for the development to which the building work relates.

(5) In the case of a relevant building application that relates to part of a relevant residential building references in this regulation to the relevant residential building are to be treated as references to the part of the building to which the application relates.

(6) Subject to paragraph (7), where the relevant building application is a variation application that is treated, for the purposes of the BSL Regulations, as an updated application, references in this regulation to the application are to be treated as references to the updated application comprising the variation application, the original application to which it relates and any other variation applications relating to that original application.

(7) If the levy charging information is provided in relation to an updated application, the reference in paragraph (1)(b)(ii) to the relevant building application is to be treated as a reference to the original application.".

Amendment of RBCA Regulations: information to be provided with initial notices etc

29.—(1) The RBCA Regulations are amended as follows.

(2) In regulation 2(1), in the appropriate places insert the following definitions—

"bedspace" has the meaning given in the BSL Regulations;

"BSL Regulations" means the Building Safety Levy (England) Regulations 2025;

"collecting authority" has the meaning given in the BSL Regulations;

"communal space for residents" has the meaning given in the BSL Regulations;

"development" has the same meaning as in section 55 of the TCPA 1990;

"exempt person" has the meaning given in the BSL Regulations;

"gross internal area" has the meaning given in the BSL Regulations;

"levy determination notice" has the meaning given in the BSL Regulations;

"levy update notice" has the meaning given in the BSL Regulations;

"major residential development" has the meaning given in the BSL Regulations;

"named client" has the meaning given in the BSL Regulations;

"ordinary residential dwelling" has the meaning given in the BSL Regulations;

"original application" has the meaning given in the BSL Regulations;

"other units" has the meaning given in regulation 11(2) of the BSL Regulations;

"part of a wider development" has the meaning given in the BSL Regulations;

"previous development condition" has the meaning given in the BSL Regulations;

"prior approval" means an approval given or deemed to be given following a prior approval application;

"prior approval application" has the meaning given in section 69A(2) of TCPA 1990;

"purpose-built student accommodation" has the meaning given in the BSL Regulations;

"relevant residential building" has the meaning given in the BSL Regulations;

"relevant residential units" has the meaning given in regulation 11(2) of the BSL Regulations;

"residential floorspace" has the meaning given in the BSL Regulations;

"TCPA 1990" means the Town and Country Planning Act 1990;

"updated application" has the meaning given in the BSL Regulations;

"variation application" has the meaning given in the BSL Regulations.

(3) In regulation 15—

(a) after paragraph (2) insert—

"(2A) Subject to paragraphs (2B) to (2D), where the work relates to the provision of one or more dwellings, or one or more bedspaces in purpose-built student accommodation, and the building which consists of or contains the dwellings or bedspaces is a residential building (as defined in regulation 7 of the BSL Regulations), a notice under paragraph (2) must also—

(a) if the levy charging conditions are met—

(i) include a statement setting out the number of dwellings, if any, that would be provided as a result of the building work to which the initial notice relates which are within any of sub-paragraphs (a) to (c) of regulation 8(1) of the BSL Regulations,

(ii) include a statement setting out the levy charging information, in accordance with regulation 15A, in relation to the initial notice to which the notice under paragraph (2) relates,

(iii) include a statement setting out the applicable planning information,

(iv) be accompanied by evidence as to the matters described in paragraphs (i), (ii) and (iii),

(b) if the levy charging conditions are not met—

(i) include a statement setting out the applicable planning information,

(ii) include a statement explaining how the levy charging conditions are not met,

(iii) be accompanied by evidence as to the matters described in paragraphs (i) and (ii), or

(c) if a statement and any evidence under sub-paragraph (a) or (b) has been given previously in relation to the building work to which the initial notice relates, include a statement to that effect.

(2B) If a new person (NP) has become the client in relation to the building work to which the initial notice relates (and details of NP have not already been given to the authority in an amendment notice or a notice under paragraph 2(3) of Schedule 4 to the BSL Regulations) then the statement under paragraph (2A)(a) or (b) must also explain that NP is now the named client and set out the name, address, telephone number and, if available, email address of NP.

(2C) Where a notice under paragraph (2) includes a statement under paragraph (2A)(a) or (b) the named client must, within 2 working days of giving the notice under paragraph (2), give a copy of the notice and the accompanying evidence to the collecting authority.

(2D) Where, in relation to the work referred to in paragraph (2A), no statement under paragraphs 1(c) to (f) of the Annex to Form 1 or 4, or paragraphs 1(c), (e) or (f) of the Annex to Form 2, in Schedule 1 has previously been required, the notice under paragraph (2) must include whichever of those statements under paragraphs 1(c) to (f) of the Annex to Form 1 or 4, or paragraphs 1(c), (e), (f) and (h) to (k) of the Annex to Form 2, in Schedule 1 that is applicable.";

(b) after paragraph (3) insert—

"(3A) If an approver gives a rejection notice in relation to a notice under paragraph (2) which included a statement in accordance with paragraph (2A)(a) or (b), the approver must notify the collecting authority that the rejection notice has been given.

(3B) The notification required to be given by the approver to the collecting authority under paragraph (3A) must be given before the end of the period of 5 working days beginning with the day on which the approver gives the rejection notice.";

(c) after paragraph (7) insert—

"(7A) If an approver receives a decision from the First-tier Tribunal allowing an appeal in relation to a notice under paragraph (2) which included a statement in accordance with paragraph (2A)(a) or (b), the approver must notify the collecting authority that the appeal has been allowed.

(7B) The notification required to be given by the approver to the collecting authority under paragraph (7A) must be given before the end of the period of 5 working days beginning with the day on which the approver receives the appeal decision.";

(d) after paragraph (9) insert—

"(10) In this regulation—

(a) the "levy charging conditions" are—

(i) the building work to which the initial notice relates would result in a new building which includes residential floorspace, an existing building which includes residential floorspace where previously it had none (whether by extension or change of use), or an existing building with an increased total area of residential floorspace (whether by extension or change of use),

(ii) the building work to which the initial notice relates is, or is anticipated to be, major residential development or is part of a wider development which is, or is anticipated to be, major residential development, and

(iii) the named client or, if there is more than one named client, each of them, in relation to the initial notice is not an exempt person;

(b) subject to sub-paragraph (c), "applicable planning information" is—

(i) where a statement under paragraph 1(a) of the Annex to Form 1, or of the Annex to Form 4, in Schedule 1 stated that planning permission is not required, a statement confirming whether or not that remains the case and if it has changed setting out details of the change;

(ii) where a statement under paragraph 1(a) of the Annex to Form 1, or of the Annex to Form 4, in Schedule 1 stated that section 33 of the Planning Act 2008 applies, a statement confirming whether or not that remains the case

and also identifying the development consent under section 31 of the Planning Act 2008 and if it has changed setting out details of the change;

(iii) where paragraph 1(b)(i) or (iv) of the Annex to Form 1, or of the Annex to Form 4, in Schedule 1 applied to the initial notice at the time that notice was given, a statement confirming that information identifying the planning permission or prior approval have already been provided and if the planning permission has changed since the time that notice was given the statement must set out details of the planning permission as updated;

(iv) where paragraph 1(b)(ii) or (iii) of the Annex to Form 1, or of the Annex to Form 4, in Schedule 1 applied to the initial notice at the time that notice was given, information identifying the planning permission granted;

(v) where paragraph 1(b)(v) or (vi) of the Annex to Form 1, or of the Annex to Form 4, in Schedule 1 applied to the initial notice at the time that notice was given, information identifying the prior approval and how the prior approval requirement is satisfied,

but where the planning permission expressly provides for the development to be carried out in phases the reference in paragraph (iii) and (iv) to the planning permission is a reference to the planning permission for the particular phase or phases of the development to which the initial notice relates;

(c) if, at the date the applicable planning information is to be included in a notice, no statement under paragraph 1(a) or (b) of the Annex to Form 1, 2 or 4 in Schedule 1 has previously been required, then the "applicable planning information" is whichever of those statements under paragraph 1(a) or (b) of the Annex to Form 1, 2 or 4 in Schedule 1 that is applicable, as updated;

(d) for the purposes of sub-paragraph (b)(v), a prior approval requirement is satisfied, in relation to a development, if the outcome of the prior approval application is that—

(i) prior approval is given or is deemed to be given, or

(ii) the local planning authority has determined prior approval is not required (where local planning authority has the meaning given in section 336 of TCPA 1990).".

(4) After regulation 15 insert—

"Levy charging information

15A.—(1) The "levy charging information" is—

(a) a statement as to whether the previous development condition is met in respect of the relevant building application, and

(b) the following information in relation to each relevant residential building to which the relevant building application relates—

(i) the floorspace information in relation to the building on completion of the building work to which the relevant building application relates, and

(ii) if the building is a relevant residential building at the time the relevant building application was made, the floorspace information in relation to the building at that time.

(2) Subject to paragraphs (5) and (6), the "relevant building application" means—

(a) where the levy charging information is required by regulation 15(2A) to be included in a notice under regulation 15(2), the initial notice to which the notice under regulation 15(2) relates;

(b) where the levy charging information is required by paragraph 4(h) of Form 2 in Schedule 1 to be included in a variation application, the updated application.

(3) The "floorspace information" is—

(a) the gross internal area of each ordinary residential dwelling;

(b) the gross internal area of purpose-built student accommodation;

(c) the gross internal area of each area of communal space for residents;

(d) in relation to each area of communal space for residents, a statement as to whether it is within—

(i) regulation 11(1)(a) of the BSL Regulations, or

(ii) regulation 11(1)(b) of the BSL Regulations;

(e) in relation to each area of communal space for residents that is within regulation 11(1)(b) of the BSL Regulations—

(i) the gross internal area of each of the relevant residential units within regulation 11(1)(b)(i), and

(ii) the gross internal area of each of the other units within regulation 11(1)(b)(ii).

(4) For the purposes of any calculation under paragraph (3), it is to be assumed that the building work is carried out in accordance with—

(a) the relevant building application, and

(b) the planning permission and any agreement under section 106 of TCPA 1990, or as the case may be the development consent under section 31 of the Planning Act 2008, for the development to which the building work relates.

(5) In the case of a relevant building application that relates to part of a relevant residential building references in this regulation to the relevant residential building are to be treated as references to the part of the building to which the application relates.

(6) If the levy charging information is provided in relation to an updated application, the reference in paragraph (1)(b)(ii) to the relevant building application is to be treated as a reference to the original application.".

(5) In Schedule 1, for Forms 1 and 4, substitute the corresponding forms in Schedule 5.

(6) In Schedule 2, at the end of paragraph 6 insert—

"(h) if the work relates to the provision of one or more dwellings, or one or more bedspaces in purpose-built student accommodation, and the building which consists of or contains the dwellings or bedspaces is a residential building (as defined in regulation 7 of the BSL Regulations)—

(i) in the case of an initial notice, the information listed in the Annex to Form 1, in the case of an amendment notice, the information listed in the Annex to Form 2 or in the case of a plans certificate combined with an initial notice, the information listed in the Annex to Form 4 in Schedule 1, and

(ii) in the case of an amendment notice, evidence as to the matters described in paragraph 2 of the Annex to Form 2 in Schedule 1.".

Amendment of HRB Regulations: general

30.—(1) The HRB Regulations are amended as follows.

(2) In regulation 2(1), in the appropriate places insert the following definitions—

"bedspace" has the meaning given in the BSL Regulations;

"BSL Regulations" means the Building Safety Levy (England) Regulations 2025;

"collecting authority" has the meaning given in the BSL Regulations;

"communal space for residents" has the meaning given in the BSL Regulations;

"development" has the same meaning as in section 55 of the TCPA 1990;

"exempt person" has the meaning given in the BSL Regulations;

"gross internal area" has the meaning given in the BSL Regulations;

"levy determination notice" has the meaning given in the BSL Regulations;

"major residential development" has the meaning given in the BSL Regulations;

"named client" has the meaning given in the BSL Regulations;

"ordinary residential dwelling" has the meaning given in the BSL Regulations;

"original application" has the meaning given in the BSL Regulations;

"other units" has the meaning given in regulation 11(2) of the BSL Regulations;

"part of a wider development" has the meaning given in the BSL Regulations;

"previous development condition" has the meaning given in the BSL Regulations;

"prior approval" means an approval given or deemed to be given following a prior approval application;

"prior approval application" has the meaning given in section 69A(2) of TCPA 1990;

"purpose-built student accommodation" has the meaning given in the BSL Regulations;

"relevant residential building" has the meaning given in the BSL Regulations;

"relevant residential units" has the meaning given in regulation 11(2) of the BSL Regulations;

"residential floorspace" has the meaning given in the BSL Regulations;

"TCPA 1990" means the Town and Country Planning Act 1990;

"updated application" has the meaning given in the BSL Regulations;

"variation application" has the meaning given in the BSL Regulations.

(3) In regulation 4, at the end of paragraph (1) insert—

"(f) if the HRB work relates to the provision of one or more dwellings, or one or more bedspaces in purpose-built student accommodation, and the building which consists of or contains the dwellings or bedspaces is a residential building (as defined in regulation 7 of the BSL Regulations), the building safety levy information in accordance with regulation 17A.".

(4) In regulation 9—

(a) after paragraph (3) insert—

"(3A) Subject to paragraphs (3B) and (3C), where the work relates to the provision of one or more dwellings, or one or more bedspaces in purpose-built student accommodation, and the building which consists of or contains the dwellings or bedspaces is a residential building (as defined in regulation 7 of the BSL Regulations), a notice under paragraph (3) must also—

(a) if the levy charging conditions are met—

(i) include a statement setting out the number of dwellings, if any, that would be provided as a result of the building work to which the building control approval application for HRB work relates which are within any of sub-paragraphs (a) to (c) of regulation 8(1) of the BSL Regulations,

(ii) include a statement setting out the levy charging information, in accordance with regulation 17B, in relation to the building control approval application for HRB work to which the notice relates,

(iii) include a statement setting out the applicable planning information,

(b) if the levy charging conditions are not met—

(i) include a statement setting out the applicable planning information,

(ii) include a statement explaining how the levy charging conditions are not met, or

(c) if a statement under sub-paragraph (a) or (b) has been given previously in relation to the building work to which the building control approval application for HRB work relates, include a statement to that effect.

(3B) Where a notice under paragraph (3) is required to include a statement under paragraph (3A)(a) or (b), the client must send evidence as to the matters set out in the statement together with a statement identifying the application to which the evidence relates, to the collecting authority on the same day that the notice under paragraph (3) is sent to the regulator.

(3C) Where, in relation to the work referred to in paragraph (3A), no statement under regulation 17A(1)(c) to (f) has previously been required, the notice under paragraph (3) must include whichever of those statements under regulation 17A(1)(c) to (f) that is applicable.",

(b) after paragraph (11) insert—

"(12) In this regulation—

(a) the "levy charging conditions" are—

(i) the building work to which the building control approval application for HRB work or a building control approval application for a stage of HRB work relates would result in a new building which includes residential floorspace, an existing building which includes residential floorspace where previously it had none (whether by extension or change of use), or an existing building with an increased total area of residential floorspace (whether by extension or change of use),

(ii) the building work to which the application relates is, or is anticipated to be, major residential development or is part of a wider development which is, or is anticipated to be, major residential development, and

(iii) the named client or, if there is more than one named client, each of them, in relation to the application is not an exempt person;

(b) subject to sub-paragraph (c), "applicable planning information" is—

(i) where a statement under regulation 17A(1)(a) stated that planning permission is not required, a statement confirming whether or not that remains the case and if it has changed setting out details of the change;

(ii) where a statement under regulation 17A(1)(a) stated that section 33 of the Planning Act 2008 applied, a statement confirming whether or not that remains the case and also identifying the development consent under section 31 of the Planning Act 2008 and if it has changed setting out details of the change;

(iii) where regulation 17A(1)(b)(i) or (iv) applied to the building control approval application for HRB work or the building control approval application for a stage of HRB work at the time that application was made, a statement confirming that information identifying the planning permission or prior approval have already been provided and if the planning permission has changed since the time that application was made the statement must set out details of the planning permission as updated;

(iv) where regulation 17A(1)(b)(ii) or (iii) applied to the building control approval application for HRB work or the building control approval application for a stage of HRB work at the time that application was made, information identifying the planning permission granted;

(v) where regulation 17A(1)(b)(v) or (vi) applied to the building control approval application for HRB work or the building control approval application for a stage of HRB work at the time that application was made, information identifying the prior approval and how the prior approval requirement is satisfied,

but where the planning permission expressly provides for the development to be carried out in phases the reference in paragraph (iii) and (iv) to the planning permission is a reference to the planning permission for the particular phase or phases of the development to which the building control approval application for HRB work or the building control approval application for a stage of HRB work relates;

(c) if, at the date the applicable planning information is to be included in a notice or application, no statement under regulation 17A(1)(a) or (b) has previously been required, then the "applicable planning information" is whichever of those statements under regulation 17A(1)(a) or (b) that is applicable, as updated;

(d) for the purposes of paragraph (b), a prior approval requirement is satisfied, in relation to a development, if the outcome of the prior approval application is that—

(i) prior approval is given or is deemed to be given, or

(ii) the local planning authority has determined prior approval is not required (where local planning authority has the meaning given in section 336 of TCPA 1990).".

(5) In regulation 12, at the end of paragraph (1) insert—

"(f) if the proposed work relates to the provision of one or more dwellings, or one or more bedspaces in purpose-built student accommodation, and the building which consists of or contains the dwellings or bedspaces is a residential building (as defined in regulation 7 of the BSL Regulations), the building safety levy information in accordance with regulation 17A.".

(6) In regulation 17—

(a) after paragraph (3) insert—

"(3A) Subject to paragraphs (3B) and (3C), where the work relates to the provision of one or more dwellings, or one or more bedspaces in purpose-built student accommodation, and the building which consists of or contains the dwellings or bedspaces is a residential building (as defined in regulation 7 of the BSL Regulations), a notice under paragraph (3) must also—

(a) if the levy charging conditions are met—

(i) include a statement setting out the number of dwellings (if any) that would be provided as a result of the building work to which the building control approval application for work to existing HRB relates which are within any of sub-paragraphs (a) to (c) of regulation 8(1) of the BSL Regulations,

(ii) include a statement setting out the levy charging information, in accordance with regulation 17B, in relation to the building control approval application for work to existing HRB to which the notice relates,

(iii) include a statement setting out the applicable planning information,

(b) if the levy charging conditions are not met—

(i) include a statement setting out the applicable planning information,

(ii) include a statement explaining how the levy charging conditions are not met,

(iii) be accompanied by evidence as to the matters described in paragraphs (i) and (ii), or

(c) if a statement under sub-paragraph (a) or (b) has been given previously in relation to the building work to which the building control approval application for work to existing HRB relates, include a statement to that effect.

(3B) Where a notice under paragraph (3) is required to include a statement under paragraph (3A)(a) or (b), the client must send evidence as to the matters set out in the statement together with a statement identifying the application to which the evidence relates, to the collecting authority on the same day that the notice under paragraph (3) is sent to the regulator.

(3C) Where, in relation to the work referred to in paragraph (3A), no statement under regulation 17A(1)(c) to (f) has previously been required, the notice under paragraph (3) must include whichever of those statements under regulation 17A(1)(c) to (f) that is applicable.";

(b) after paragraph (11) insert—

"(12) In this regulation—

(a) the "levy charging conditions" are—

(i) the building work to which the building control approval application for work to existing HRB relates would result in an existing building which includes residential floorspace where previously it had none (whether by extension or change of use), or an existing building with an increased total area of residential floorspace (whether by extension or change of use),

(ii) the building work to which the application relates is, or is anticipated to be, major residential development or is part of a wider development which is, or is anticipated to be, major residential development, and

(iii) the named client or, if there is more than one named client, each of them, in relation to the application is not an exempt person;

(b) subject to sub-paragraph (c), "applicable planning information" is—

(i) where a statement under regulation 17A(1)(a) stated that planning permission is not required, a statement confirming whether or not that remains the case and if it has changed setting out details of the change;

(ii) where a statement under regulation 17A(1)(a) stated that section 33 of the Planning Act 2008 applied, a statement confirming whether or not that remains the case and also identifying the development consent under section 31 of the Planning Act 2008 and if it has changed setting out details of the change;

(iii) where regulation 17A(1)(b)(i) or (iv) applied to the building control approval application for work to existing HRB at the time that application was made, a statement confirming that information identifying the planning permission or prior approval have already been provided and if the planning permission has changed since the time that application was made the statement must set out details of the planning permission as updated;

(iv) where regulation 17A(1)(b)(ii) or (iii) applied to the building control approval application for work to existing HRB at the time that application was made, information identifying the planning permission granted;

(v) where regulation 17A(1)(b)(v) or (vi) applied to the building control approval application for work to existing HRB at the time that application was made, information identifying the prior approval and how the prior approval requirement is satisfied,

but where the planning permission expressly provides for the development to be carried out in phases the reference in paragraph (iii) and (iv) to the planning permission is a reference to the planning permission for the particular phase or phases of the development to which the building control approval application for work to existing HRB relates;

(c) if, at the date the applicable planning information is to be included in a notice or application, no statement under regulation 17A(1)(a) or (b) has previously been required, then the "applicable planning information" is whichever of those statements under regulation 17A(1)(a) or (b) that is applicable, as updated;

(d) for the purposes of paragraph (b), a prior approval requirement is satisfied, in relation to a development, if the outcome of the prior approval application is that—

(i) prior approval is given (or is deemed to be given), or

(ii) the local planning authority has determined prior approval is not required (where local planning authority has the meaning given in section 336 of TCPA 1990).".

Amendment of HRB Regulations: building safety levy information etc

31. After Chapter 2 of Part 2 of the HRB Regulations insert—

"Chapter 3

Building safety levy

Building safety levy information

17A.—(1) The "building safety levy information" is—

(a) a statement as to whether the applicable work relates to development—

(i) for which planning permission is required, or

(ii) to which section 33 of the Planning Act 2008 applies,

(b) in a case where planning permission is required, also one of the following statements—

(i) a statement that the planning permission has been granted together with information identifying the permission,

(ii) a statement that an application for planning permission has been made but not yet determined together with information identifying the application for planning permission,

(iii) a statement that an application for planning permission has not yet been made,

(iv) a statement that the planning permission is subject to prior approval and the prior approval requirement is satisfied, together with information identifying the prior approval and how the requirement is satisfied,

(v) a statement that the planning permission is subject to prior approval and a prior approval application has been made but the prior approval requirement is not yet satisfied, together with information identifying the prior approval application,

(vi) a statement that the planning permission is subject to prior approval and a prior approval application has not yet been made,

but where the planning permission expressly provides for the development to be carried out in phases the references in paragraphs (i), (ii) and (iii) to the planning permission is a reference to the planning permission for the particular phase or phases of the development to which the relevant application relates,

(c) in a case where planning permission is required or section 33 of the Planning Act 2008 applies, also a statement as to whether the building work to which the application relates is, or is anticipated to be, major residential development or is part of a wider development which is, or is anticipated to be, major residential development,

(d) in relation to each of the buildings included in the building work to which the relevant application relates, the local authority in whose area the building is or is to be situated,

(e) the number of dwellings, if any, that would be provided as a result of the building work to which the relevant application relates,

(f) if purpose-built student accommodation would be provided as a result of the building work to which the relevant application relates, the number of bedspaces that would be contained in the purpose-built student accommodation, and

(g) if paragraph (3) applies in relation to the relevant application, details of any levy determination notice given in respect of the original application or the updated application comprising that original application and one or more variation applications.

(2) In paragraph (1), the prior approval requirement is satisfied, in relation to a development, if the outcome of the prior approval application is that—

(a) prior approval is given or is deemed to be given, or

(b) the local planning authority has determined prior approval is not required (where local planning authority has the meaning given in section 336 of TCPA 1990).

(3) Where the relevant application is a "variation application" for the purposes of the BSL Regulations, references in this regulation and in regulation 17B to the application are to be treated as references to the updated application comprising the variation application, the original application to which it relates and any other variation applications relating to that original application.

(4) In this regulation—

"applicable work" means—

(a) the building work to which a relevant application or change control application relates, but

(b) where the building work is part of a wider development, all the work included in that development;

"relevant application" means a building control approval application for HRB work, a stage of HRB work or work to existing HRB or a change control application.

Levy charging information

17B.—(1) The "levy charging information" is—

(a) a statement as to whether the previous development condition is met in respect of the relevant building application, and

(b) the following information in relation to each relevant residential building to which the relevant building application relates—

(i) floorspace information in relation to the building on completion of the building work to which the relevant building application relates, and

(ii) if the building is a relevant residential building at the time the relevant building application was made, the floorspace information in relation to the building at that time.

(2) Subject to paragraphs (5) and (6), the "relevant building application" means—

(a) where the levy charging information is required by regulation 9(3A) or 17(3A) to be included in a notice under regulation 9(3) or, as the case may be, regulation 17(3), the building control approval application for HRB work, stage of HRB work or work to existing HRB to which the notice relates;

(b) where the levy charging information is required under regulation 21(2) and (3) to be included in a variation application, the updated application.

(3) The "floorspace information" is—

(a) the gross internal area of each ordinary residential dwelling;

(b) the gross internal area of purpose-built student accommodation;

(c) the gross internal area of each area of communal space for residents;

(d) in relation to each area of communal space for residents, a statement as to whether it is within—

(i) regulation 11(1)(a) of the BSL Regulations, or

(ii) regulation 11(1)(b) of the BSL Regulations;

(e) in relation to each area of communal space for residents that is within regulation 11(1)(b) of the BSL Regulations—

(i) the gross internal area of each of the relevant residential units within regulation 11(1)(b)(i), and

(ii) the gross internal area of each of the other units within regulation 11(1)(b)(ii).

(4) For the purposes of any calculation under paragraph (3), it is to be assumed that the building work is carried out in accordance with—

(a) the relevant building application, and

(b) the planning permission and any agreement under section 106 of TCPA 1990, or as the case may be the development consent under section 31 of the Planning Act 2008, for the development to which the building work relates.

(5) In the case of a relevant building application that relates to part of a relevant residential building references in this regulation to the relevant residential building are to be treated as references to the part of the building to which the application relates.

(6) If the levy charging information is provided in relation to an updated application, the reference in paragraph (1)(b)(ii) to the relevant building application is to be treated as a reference to the original application.".

Chapter 2

Applications made to the regulator: provision of information to, and by, the collecting authority

Provision of application information by the regulator

32.—(1) This regulation applies where the regulator receives—

(a) a higher-risk building application that includes the building safety levy information,

(b) a section 91ZB application that includes the building safety levy information,

(c) an updated application that includes the information required by virtue of regulation 14(1)(h) of the 2010 Regulations,

(d) a change control application that includes the information required by virtue of regulation 21(2)(g) of the HRB Regulations.

(2) The regulator must, before the end of the period of 10 working days beginning with the day on which the application is received, provide the following information to the collecting authority—

(a) the contact information for the named client;

(b) the reference number, if any, allocated by the regulator to the application;

(c) the date on which the application was received;

(d) a copy of the building safety levy information and any information required to be included in the application by virtue of regulation 21(2)(g)(ii) or (iii) of the HRB Regulations or regulation 14(1)(h)(ii) or (iii) of the 2010 Regulations.

(3) Paragraph (4) applies in relation to an application referred to in paragraph (1) if—

(a) in the case of a higher-risk building application, the regulator—

(i) rejects the application under regulation 7(2) or 15(2) of the HRB Regulations, and

(ii) gives notice of the rejection in accordance with regulation 7(4) or 15(4) of those Regulations;

(b) in the case of a section 91ZB application, the regulator—

(i) rejects the application under regulation 14A(2) of the 2010 Regulations(**a**), and

(ii) gives notice of the rejection in accordance with regulation 14A(6) of those Regulations;

(**a**) Regulation 14A was inserted by S.I. 2023/911.

(c) in the case of a change control application, the regulator—

(i) rejects the application under regulation 24(2) of the HRB Regulations, and

(ii) gives notice of the rejection in accordance with regulation 24(4) of those Regulations.

(4) The regulator must, before the end of the period of 5 working days beginning with the day on which the notice of the rejection referred to in paragraph (3)(a)(ii), (b)(ii) or (c)(ii) is given, provide a copy of the notice to the collecting authority.

(5) If rejection of an application referred to in paragraph (1) is reviewed under regulation 48(1) of the HRB Regulations and the regulator does not uphold the rejection, the regulator must notify the collecting authority, before the end of the period of 5 working days beginning with the day on which the regulator makes the review decision, that the review has not upheld the rejection.

(6) If rejection of an application referred to in paragraph (1) is appealed under regulation 49(1) of the HRB Regulations and the regulator is notified that the appeal is allowed, the regulator must notify the collecting authority, before the end of the period of 5 working days beginning with the day on which the regulator receives the appeal decision, that the appeal has been allowed.

Provision of commencement of building work information by the regulator

33.—(1) If the regulator receives a commencement notice which includes information required under regulation 9(3A)(a) or (b) or 17(3A)(a) or (b) of the HRB Regulations, the regulator must—

(a) give a copy of the notice to the collecting authority, and

(b) if the regulator gives, in relation to the commencement notice, a rejection notice under regulation 9(4) or regulation 17(4) of the HRB Regulations, notify the collecting authority that the rejection notice has been given.

(2) If the regulator receives a commencement notice which includes information required under regulation 16(3CA)(a) or (b) of the 2010 Regulations(**a**), the regulator must—

(a) give a copy of the notice to the collecting authority, and

(b) if the regulator gives, in relation to the commencement notice, a rejection notice under regulation 16(3E) of the 2010 Regulations(**b**), notify the collecting authority that the rejection notice has been given.

(3) The regulator must give the copy of the commencement notice, required under paragraph (1)(a) or (2)(a), before the end of the period of 10 working days beginning with the day on which the commencement notice is received.

(4) The regulator must give the notification, required under paragraph (1)(b) or (2)(b), before the end of the period of 5 working days beginning with the day on which the regulator gives the rejection notice.

(5) If rejection of a commencement notice referred to in paragraph (1) or (2) is appealed and the regulator is notified that the appeal is allowed, the regulator must notify the collecting authority that the appeal has been allowed before the end of the period of 5 working days beginning with the day on which the regulator receives the appeal decision.

Provision of new named client information by the regulator

34.—(1) This regulation applies if—

(a) the regulator receives a notice under regulation 27(2) of the HRB Regulations in relation to—

(**a**) Regulation 16(3CA) is inserted by regulation 28 of this instrument.
(**b**) Regulation 16(3E) was inserted by S.I. 2023/911.

(i) a higher-risk building application that includes the building safety levy information, or

(ii) a change control application that is accompanied by the building safety levy information, or

(b) the regulator—

(i) receives a notice under regulation 11O(2) of the 2010 Regulations(**a**) in relation to building work, and

(ii) the section 91ZB application in relation to the building work includes the building safety levy information.

(2) The regulator must, before the end of the period of 5 working days beginning with the day on which the notice is received, provide a copy of the notice to the collecting authority.

Provision of confirmation by collecting authority

35.—(1) Paragraph (3) applies if, pursuant to regulation 14 of the 2010 Regulations, a collecting authority receives evidence from a named client of a type referred to in regulation 14(7) of those Regulations.

(2) Paragraph (3) applies if, pursuant to regulation 21 of the HRB Regulations, a collecting authority receives evidence from a named client of a type referred to in regulation 21(5) of those Regulations.

(3) The collecting authority must, within 10 working days beginning with the day on which the evidence is received, notify the regulator of its receipt.

Chapter 3

Section 30A applications: provision of information by Secretary of State to a collecting authority

Applications under section 30A of the 1984 Act: rejection of higher-risk building application

36.—(1) Paragraph (2) applies if—

(a) an application is made to the Secretary of State under section 30A of the 1984 Act in relation to a higher-risk building application or a change control application that includes building safety levy information, and

(b) the Secretary of State rejects the higher-risk building application or the change control application under a provision mentioned in regulation 32(3)(a)(i) or (c)(i).

(2) The Secretary of State must, before the end of the period of 5 working days beginning with the day on which the notice of rejection under a provision mentioned in regulation 32(3)(a)(ii) or (c)(ii) is given, provide a copy of the notice to the collecting authority.

(3) If rejection of the application referred to in paragraph (1) is appealed and the Secretary of State is notified that the appeal is allowed, the Secretary of State must notify the collecting authority that the appeal has been allowed before the end of the period of 5 working days beginning with the day on which the Secretary of State receives the appeal decision.

(**a**) Regulation 11O was inserted by S.I. 2023/911.

PART 7
DETERMINATION OF LEVY LIABILITY

Collecting authority: determination of levy liability amount

37.—(1) This regulation applies if—

(a) the building control authority has received a building control application, and

(b) the collecting authority has received the following information (or a copy of it) in relation to the building work to which the application relates—

(i) the information required by regulation 14(1)(g) or (h) of the 2010 Regulations, regulation 4(1)(f) or regulation 12(1)(f) or regulation 21(2)(g) and (5) of the HRB Regulations or, as the case may be, paragraph 5(f) of Form 1, or paragraph 4(h) of Form 2 or paragraph 5(f) of Form 4 in Schedule 1 to the RBCA Regulations, and

(ii) the information required by regulation 16(3CA) of the 2010 Regulations, regulation 9(3A) and (3B) or regulation 17(3A) and (3B) of the HRB Regulations or, as the case may be, regulation 15(2A), and where applicable regulation 15(2B), of the RBCA Regulations.

(2) The collecting authority must, within the determination period (as defined in regulation 38)—

(a) determine, in accordance with regulation 15, whether or not the application is chargeable, and

(b) take either the steps specified in paragraph (3) or the step specified in paragraph (4).

(3) If the application referred to in paragraph (1) is chargeable, the collecting authority must—

(a) determine the total amount of building safety levy chargeable in respect of the application (the "levy liability amount") in accordance with regulation 16, and

(b) give a levy liability notice to the named client in accordance with regulation 39.

(4) If the application referred to in paragraph (1) is not chargeable, the collecting authority must give a notice of no charge to the named client in accordance with regulation 40.

(5) If the application referred to in paragraph (1) is an initial notice, or an updated application in relation to an initial notice, the collecting authority must, within the determination period, give a copy of the notice referred to in paragraphs (3)(b) or (4) to the registered building control approver.

(6) In determining the amount referred to in paragraph (3) in relation to a building control application which is an updated application, the references in regulations 17(2)(a), 17(3), 18(2)(a), 18(3) and 18(4)(b) to the time the application was made are to be treated as references to the time the original application, to which that updated application relates, was made.

(7) Subject to paragraphs (8) and (9), for the purposes of paragraph (1) the information (or a copy of it) is not to be considered to have been received if the building control application or the compliant commencement notice to which the information relates is rejected under—

(a) regulation 14A(2) or 16(3E) of the 2010 Regulations,

(b) regulation 9(4), 17(4) or 24(2) of the HRB Regulations,

(c) regulation 15(3) of the RBCA Regulations, or

(d) section 51A(3) of the 1984 Act.

(8) If there is a review of the decision to reject the building control application under regulation 48(1) of the HRB Regulations paragraph (7) does not have effect if the review does not uphold the decision to reject the application.

(9) If there is an appeal against the rejection of the building control application or compliant commencement notice under—

(a) regulation 14B(1), 14B(4), 14C(1) or 16(3I) of the 2010 Regulations,

(b) regulation 9(7), 17(7) or 49(1) of the HRB Regulations,

(c) regulation 15(6) of the RBCA Regulations, or

(d) section 55(1) of the 1984 Act,

paragraph (7) does not have effect if the appeal is allowed.

"Determination period"

38.—(1) Subject to paragraphs (3) to (9), in regulation 37, the "determination period" means the period of 5 weeks beginning with the receipt date or such longer period as the collecting authority and the named client agree in writing.

(2) The "receipt date" in relation to a building control application is—

(a) in the case of a building control application which is not an updated application, the date on which the collecting authority receives the last of the following documents—

(i) the building safety levy information in relation to the application;

(ii) the first compliant commencement notice, or a copy of it, in relation to building work to which the building control application relates;

(iii) the evidence, in relation to that notice, referred to in regulation 16(3CA) of the 2010 Regulations, regulation 9(3B) or 17(3B) of the HRB Regulations or, as the case may be, regulation 15(2A) of the RBCA Regulations;

(b) in the case of a pre-commencement updated application, the date on which the collecting authority receives the last of the following documents—

(i) the building safety levy information in relation to the updated application;

(ii) the first compliant commencement notice, or a copy of it, in relation to building work to which the updated application relates;

(iii) the evidence, in relation to that notice, referred to in regulation 16(3CA) of the 2010 Regulations, regulation 9(3B) or 17(3B) of the HRB Regulations or, as the case may be, regulation 15(2A) of the RBCA Regulations;

(c) in the case of an updated application which is received after the first compliant commencement notice, or a copy of it, has been received, the date on which the collecting authority receives the last of the following documents—

(i) the building safety levy information in relation to the updated application;

(ii) the statements and evidence referred to regulation 14(5) or (6) of the 2010 Regulations, regulation 21(5) of the HRB Regulations or, as the case may be, paragraph 2(a) or (b) of the Annex to Form 2 in Schedule 1 to the RBCA Regulations.

(3) If the collecting authority considers that the information provided is not sufficient for the purposes of making a determination under regulation 37(2)(a) or (3)(a)—

(a) the collecting authority may request further information from the named client for the purposes of making that determination, and

(b) the determination period ends on the day which is 5 weeks after the day on which the collecting authority receives the information that the authority considers is sufficient to enable it to make the determination.

(4) If the first compliant commencement notice referred to in paragraph (2)(a) or (b) is rejected under—

(a) regulation 16(3E) of the 2010 Regulations,

(b) regulation 9(4) or 17(4) of the HRB Regulations, or

(c) regulation 15(3) of the RBCA Regulations,

the determination period ends on the day which is 5 weeks after the day on which the collecting authority receives a new compliant commencement notice, or a copy of it, in relation to the application, and that notice is to be treated as if it were the first compliant commencement notice.

(5) If the review of the decision to reject the building control application under regulation 48(1) of the HRB Regulations does not uphold the decision to reject the application the determination period ends on the day which is 5 weeks after the day on which the collecting authority receives notice of the review decision.

(6) If the appeal against the rejection of the first compliant commencement notice referred to in paragraph (2)(a) or (b) or an application referred to in paragraph (2)(c) is allowed under—

(a) regulation 14B(2), 14B(5) and 14C(2) or 16(3I) of the 2010 Regulations,

(b) regulation 9(8), 17(8) or 49(2) of the HRB Regulations,

(c) regulation 15(7) of the RBCA Regulations, or

(d) section 55(2) of the 1984 Act,

the determination period ends on the day which is 5 weeks after the day on which the collecting authority receives notice of the appeal decision.

(7) If the application is selected for a levy information spot check under regulations 47 or 48—

(a) the determination period for the application is the period of 8 weeks beginning with the receipt date, or where paragraph (5) or (6) applies the determination period for the application is the period of 8 weeks beginning with the day on which the collecting authority receives notice of the review decision or appeal decision,

(b) if the collecting authority requests further information in accordance with paragraph (3), the determination period for the application ends on the day which is 5 weeks after the day on which the collecting authority receives the information that the authority considers is sufficient to enable it to make the determination, or

(c) if the collecting authority requests further information in accordance with regulation 50(3), the determination period for the application ends on the day which is 5 weeks after the day on which the collecting authority receives the information that the authority considers is sufficient to enable it to carry out the levy information spot check.

(8) If during the period provided for in paragraph (7)(b) a request for further information is made in accordance with regulation 50(3) then the determination period in paragraph (7)(c) applies instead.

(9) If during the period provided for in paragraph (7)(c) a request for further information is made in accordance with paragraph (3) then the determination period in paragraph (7)(b) applies instead.

(10) In this regulation, "compliant commencement notice" means—

(a) in relation to a higher-risk building application or a pre-commencement updated application in relation to such an application, a commencement notice which includes the information referred to in regulations 9(3A) or 17(3A) of the HRB Regulations;

(b) in relation to an application for building control approval with full plans, a section 91ZB application or a pre-commencement updated application in relation to such an application, a commencement notice which includes the information referred to in regulation 16(3CA) of the 2010 Regulations;

(c) in relation to an initial notice or a pre-commencement updated application in relation to such a notice, a commencement notice which includes the information referred to in regulation 15(2A) of the RBCA Regulations.

"Levy liability notice"

39.—(1) A "levy liability notice" is a notice, in relation to a chargeable application, stating the levy liability amount.

(2) A levy liability notice must also specify—

(a) the building control application to which the notice relates,

(b) if ordinary residential dwellings would be provided as a result of the building work to which the application relates, the number of those dwellings,

(c) if dwellings would be provided as a result of the building work to which the application relates, the number of those dwellings that are within any of sub-paragraphs (a) to (c) of regulation 8(1),

(d) if purpose-built student accommodation would be provided as a result of the building work to which the application relates, the number of bedspaces contained in it,

(e) in relation to each of the relevant residential buildings to which the application relates—

(i) the amount of chargeable accommodation floorspace (as defined in regulation 17(2)),

(ii) the chargeable amount of communal floorspace (as defined in regulation 18(2)), and

(iii) the applicable area rate (as defined in regulation 20(2)), and

(f) the date on which the notice is given.

(3) If the levy liability notice relates to an updated application—

(a) the reference in paragraph (2)(a) to the building control application to which the notice relates is a reference to the original application and each subsequent variation application in relation to it, and

(b) the notice must also specify—

(i) the amount, if any, of the building safety levy paid in respect of—

(aa) the original application,

(bb) any other updated application in relation to the original application or any levy update application in relation to the original application, and

(ii) the amount of any payment made in relation to the building control application under regulations 65 and 66.

(4) Where the building control application referred to in paragraph (2)(a) relates to part of a relevant residential building the reference in paragraph (2)(e) to the relevant residential building is a reference to the part of the building to which the application relates.

"Notice of no charge"

40.—(1) A "notice of no charge" is a notice, in relation to a building control application, stating that no building safety levy is chargeable in respect of the application.

(2) A notice of no charge must specify—

(a) the building control application to which the notice relates,

(b) the number of dwellings, if any, that would be provided as a result of the building work to which the application relates,

(c) if purpose-built student accommodation would be provided as a result of the building work to which the application relates, the number of bedspaces contained in it,

(d) the reasons why the application is not chargeable, and

(e) the date on which the notice is given.

(3) If the notice of no charge relates to an updated application, the reference in paragraph (2)(a) to the building control application to which the notice relates is a reference to the original application and each subsequent variation application in relation to it.

PART 8

VARIATION OF BUILDING CONTROL APPLICATIONS

Chapter 1

Meaning and effect of variation applications

Variation applications

41.—(1) A "variation application" means—

(a) in relation to an application for building control approval with full plans that relates to building work in respect of one or more residential buildings, a subsequent application for building control approval with full plans that—

(i) relates to one or more of the same buildings, and

(ii) does not relate solely to a building in respect of which the building work is completed;

(b) in relation to an initial notice, an amendment notice;

(c) in relation to a higher-risk building application, a change control application.

(2) A variation application is "made" if—

(a) in the case of an application for building control approval with full plans, it is made within the meaning of regulation 5(2)(a);

(b) in the case of an amendment notice, it is given to a local authority in accordance with section 51A(2)(a) of the 1984 Act(**a**);

(c) in the case of a change control application, it is submitted to the regulator in accordance with regulations 18(5) and 21 of the HRB Regulations.

Effect of a variation application

42.—(1) This regulation applies if—

(**a**) Section 51A was substituted by section 46(2) of the Building Safety Act 2022.

(a) a collecting authority received a building control application (the "original application"), and

(b) a variation application, relating to the original application, is made.

(2) For the purposes of these Regulations (other than the provisions of this Part)—

(a) the original application and the variation application are treated as a single building control application (the "updated application");

(b) subject to paragraph (6), the collecting authority is treated as receiving the updated application on the date on which it receives the variation application;

(c) if the variation application is an application for building control approval with full plans, Parts 7 and 9 of these Regulations do not apply in relation to the variation application alone but those Parts apply to the variation application as part of the updated application.

(3) The updated application is treated as being made on the date the variation application is made (as described in regulation 41(2)).

(4) If part of the work described in a building control application to which an updated application relates is completed then—

(a) in determining, in accordance with regulation 15, whether or not the updated application is chargeable, and

(b) in calculating the levy liability amount in relation to the application,

the completed work is to be treated as if it were as described in the original application (including any changes to that work which were described in all the variation applications approved before the work was completed).

(5) If after a levy determination notice is given in relation to the updated application under regulation 37, a further variation application is made relating to the original application ("the undetermined variation application") then—

(a) references in this regulation (except in this paragraph) to the original application are to be treated as references to the original application as varied by all variation applications except the undetermined variation application;

(b) references in this regulation (except in this paragraph) to the variation application are to be treated as references to the undetermined variation application.

(6) If the variation application is—

(a) a section 91ZB application, the collecting authority is treated as receiving the updated application on whichever is the later of—

(i) the date it receives the information in relation to the variation application in accordance with regulation 32(2),

(ii) the date it receives the evidence in relation to the variation application in accordance with regulation 14(7) of the 2010 Regulations,

(b) a change control application, the collecting authority is treated as receiving the updated application on whichever is the later of—

(i) the date it receives the information in relation to the variation application in accordance with regulation 32(2),

(ii) the date it receives the evidence in relation to the variation application in accordance with regulation 21(5) of the HRB Regulations.

(7) In this regulation a variation application is "approved" if it has been approved by the building control authority or, in the case of an amendment notice, it is treated as approved pursuant to section 51B(1)(b) of the 1984 Act(**a**).

(8) In a case where an application is made to the Secretary of State under section 30A of the 1984 Act in relation to a variation application, the reference in paragraph (7) to a building control authority is to be treated as a reference to the Secretary of State.

Cancellation and reinstatement of levy determination notices

43.—(1) This regulation applies where a collecting authority has given a levy determination notice in relation to a building control application.

(2) If, after a levy determination notice is given in relation to a building control application, a notice of rejection in respect of the first compliant commencement notice is given in accordance with—

(a) regulation 16(3E) of the 2010 Regulations,

(b) regulation 15(3) of the RBCA Regulations,

(c) regulation 9(4) or 17(4) of the HRB Regulations,

then on the day on which the rejection notice is given or, if the regulator is the building control authority, the day on which the collecting authority receives notification of the rejection, the levy determination notice in relation to the application is cancelled.

(3) If, after a levy determination notice is given in relation to a building control application, the collecting authority is treated as receiving an updated application in relation to the original application and gives a levy determination notice in relation to the updated application under regulation 37, then on the day on which the levy determination notice for the updated application is given the levy determination notice in relation to the original application is cancelled.

(4) If, after a levy determination notice is given in relation to the updated application, a notice of rejection of the updated application is given in accordance with—

(a) regulation 14A(6) of the 2010 Regulations,

(b) regulation 8(3) of the RBCA Regulations,

(c) regulation 24(4) of the HRB Regulations,

then on the day on which the rejection notice is given or, if the regulator is the building control authority, the day on which the collecting authority receives notification of the rejection, the levy determination notice in relation to the updated application is cancelled, and the levy determination notice in relation to the original application is reinstated.

(5) The collecting authority must give notice to the named client of any cancellation or reinstatement of a levy determination notice under this regulation.

(6) If the building control application referred to in paragraph (1) is an initial notice, or an updated application in relation to an initial notice, the collecting authority must give a copy of the notice under paragraph (5) to the registered building control approver.

(7) A notice under paragraph (5) or (6) must be given before the end of the period of 5 working days beginning with—

(a) in a case to which paragraph (3) applies, the day on which the levy determination notice for the updated application is given;

(**a**) Section 51B(1) was substituted by paragraph 43 of Schedule 5 to the Building Safety Act 2022.

(b) in any other case, the day on which the notice of rejection is given or, if the regulator is the building control authority, the day on which the collecting authority receives notification of the rejection.

(8) If after a levy determination notice is given in relation to the updated application under regulation 37, a further variation application is made relating to the original application ("the undetermined variation application") then—

(a) references in this regulation (except in this paragraph) to the original application are to be treated as references to the original application as varied by all variation applications except the undetermined variation application;

(b) references in this regulation (except in this paragraph) to the updated application are to be treated as references to the undetermined variation application.

Chapter 2

Amendment of secondary legislation

Amendment of RBCA Regulations: information to be provided with amendment notices

44. In Schedule 1 to the RBCA Regulations, for Form 2, substitute the corresponding form in Schedule 5.

Amendment of HRB Regulations: information to be provided with change control applications

45.—(1) Regulation 21 of the HRB Regulations is amended as follows(**a**).

(2) In paragraph (2) omit the "and" at the end of sub-paragraph (e) and at the end of sub-paragraph (f) insert—

"(g) if the change control application is an updated application and the building work, to which the updated application relates, relates to the provision of one or more dwellings, or one or more bedspaces in purpose-built student accommodation, and the building which consists of or contains the dwellings or bedspaces is a residential building (as defined in regulation 7 of the BSL Regulations)—

(i) the building safety levy information, in relation to the updated application, in accordance with regulation 17A but where the updated application is given on or after the day on which the first notice under regulations 9(3) or 17(3) is given then the information in regulation 17A(1)(a) and (b) is not required;

(ii) if the levy charging conditions are met, the information set out in paragraph (3);

(iii) if the levy charging conditions are not met, the information set out in paragraph (4).".

(3) After paragraph (2) insert—

"(3) The information referred to in paragraph (2)(g)(ii) is—

(a) a statement setting out the number of dwellings, if any, that would be provided as a result of the building work to which the updated application relates which are within any of sub-paragraphs (a) to (c) of regulation 8(1) of the BSL Regulations;

(**a**) Regulations 17A and 17B are inserted into the HRB Regulations by regulation 31 of this instrument.

(b) a statement setting out the levy charging information in relation to the updated application in accordance with regulation 17B;

(c) in a case where regulation 9(3A) or 17(3A) has not applied to any notice under regulation 9(3) or, as the case may be, 17(3), a statement which includes the applicable planning information within the meaning of regulation 9 or, as the case may be, 17;

(d) in any case where sub-paragraph (c) does not apply, a statement confirming whether or not the applicable planning information previously provided continues to be correct and if it is not, the statement must include the applicable planning information as updated.

(4) The information referred to in paragraph (2)(g)(iii) is—

(a) in a case where the change control application is received on a day which is before the first notice under regulations 9(3) or 17(3) is received in relation to the original application, a statement confirming that the first notice under regulations 9(3) or 17(3) was not given before the change control application was submitted;

(b) in a case where the change control application is received on or after the day on which the first notice under regulation 9(3) or 17(3) is received and regulation 9(3A) or 17(3A) did not apply to that notice and has not applied to any notice under regulation 9(3) or, as the case may be, 17(3), a statement which—

(i) includes the applicable planning information within the meaning of regulation 9 or, as the case may be, 17;

(ii) explains how the levy charging conditions are not met;

(c) in any other case, a statement which—

(i) confirms whether or not the applicable planning information previously provided continues to be correct and if it is not, the statement must include the applicable planning information as updated;

(ii) explains how the levy charging conditions are not met.

(5) Where a change control application is required to include a statement under paragraph (3) or (4)(b) or (c), the client must send evidence as to the matters set out in the statement together with a statement identifying the application to which the evidence relates to the collecting authority on the same day that the change control application is made to the regulator.

(6) For the purposes of paragraph (2)(g), the "levy charging conditions" are that—

(a) the change control application is received on or after the day on which the first notice under regulations 9(3) or 17(3) is received in relation to the original application,

(b) the building work to which the updated application relates would result in a new building which includes residential floorspace, an existing building which includes residential floorspace where previously it had none (whether by extension or change of use), or an existing building with an increased total area of residential floorspace (whether by extension or change of use),

(c) the building work to which the application relates is, or is anticipated to be, major residential development or is part of a wider development which is, or is anticipated to be, major residential development, and

(d) the named client or, if there is more than one named client, each of them, in relation to the application is not an exempt person.".

PART 9

LEVY INFORMATION SPOT CHECKS AND LEVY UPDATES

Chapter 1

"Levy information spot check"

"Levy information spot check"

46.—(1) A "levy information spot check" means an assessment as to the accuracy of a set of levy information in relation to a building control application, by reference to—

(a) any of the following—

(i) if the application is—

(aa) a building control application which is not an updated application, or

(bb) a pre-commencement updated application in relation to the original application,

the evidence provided under regulation 16(3CA) of the 2010 Regulations(**a**), regulations 9(3B) or 17(3B) of the HRB Regulations(**b**) or regulation 15(2A) of the RBCA Regulations(**c**),

(ii) if the application is an updated application which is made after the first compliant commencement notice was given in relation to the original application, the evidence provided under regulation 14(5) or (6) of the 2010 Regulations(**d**), regulation 21(5) of the HRB Regulations(**e**) or paragraph 2(a) or (b) of the Annex to Form 2 in Schedule 1 to the RBCA Regulations(**f**),

(iii) if a levy update notice is received in relation to the application, the evidence provided with the levy update notice,

(b) the planning permission, or as the case may be the development consent under section 31 of the Planning Act 2008, for the development in relation to which the building work to which the application relates is to be carried out, and

(c) such other information as is reasonably available to the collecting authority.

(2) A levy information spot check, in relation to a building control application, may only be carried out during the relevant period for the building control application.

(3) In this regulation—

"relevant period" means—

(a) the determination period under regulation 38(7) in relation to the building control application, or

(b) the period for determining a levy update application under regulation 53(10) in relation to the building control application;

"set of levy information" means—

(a) a set of Category 1 levy information, as defined in regulation 47(3), or

---

(**a**) Regulation 16(3CA) is inserted into the 2010 Regulations by regulation 28 of this instrument.
(**b**) Regulations 9(3A) and 17(3A) are inserted into the HRB Regulations by regulation 30 of this instrument.
(**c**) Regulation 15(2A) is inserted into the RBCA Regulations by regulation 29 of this instrument.
(**d**) Regulation 14(5) and (6) were inserted into the 2010 Regulations by regulation 26 of this instrument.
(**e**) Regulation 21(3) and (4) were inserted into the HRB Regulations by regulation 45 of this instrument.
(**f**) Form 2 was substituted in Schedule 1 to the RBCA Regulations by regulation 44 of this instrument.

(b) a set of Category 2 levy information, as defined in regulation 48(3).

Chapter 2

Circumstances in which levy information spot checks are carried out

Requirement to carry out levy information spot checks: Category 1

47.—(1) This regulation applies if, in a financial quarter, a collecting authority receives one or more sets of Category 1 levy information.

(2) The collecting authority must carry out a levy information spot check—

(a) in relation to at least one set of Category 1 levy information received in the financial quarter, and

(b) if the collecting authority receives more than 10 sets of Category 1 levy information in the financial quarter, in relation to at least 10% of those sets.

(3) A "set of Category 1 levy information" means—

(a) if the application referred to in regulation 46(1) is a non-RBCA building control application, the building safety levy information that is provided with the application together with the BSL information provided with the first compliant commencement notice given in relation to that application;

(b) if the application referred to in regulation 46(1) is a non-RBCA pre-commencement updated application, the building safety levy information provided with that updated application together with the BSL information provided with the first compliant commencement notice given in relation to that application;

(c) if the application referred to in regulation 46(1) is a non-RBCA updated application, the information required under regulation 14(1)(h) of the 2010 Regulations(**a**) or, as the case may be, regulation 21(2)(g) of the HRB Regulations(**b**) to be provided in relation to that updated application;

(d) if a levy update notice is received in relation to a non-RBCA building control application or an updated application referred to in sub-paragraph (b) or (c), the information required to be provided with the notice under regulation 52(3).

(4) In this regulation—

"BSL information" means the statement required by regulation 16(3CA) of the 2010 Regulations or regulations 9(3A) or 17(3A) of the HRB Regulations, to be included in the first compliant commencement notice;

"non-RBCA building control application" means an application for building control approval with full plans or a higher-risk building application;

"non-RBCA pre-commencement updated application" means a pre-commencement updated application, excluding one in relation to an initial notice;

"non-RBCA updated application" means an updated application other than—

(a) an updated application in relation to an initial notice, or

(b) a non-RBCA pre-commencement updated application.

(**a**) Regulation 14(1)(h) was inserted into the 2010 Regulations by regulation 26 of this instrument.
(**b**) Regulation 21(2)(g) was inserted into the HRB Regulations by regulation 45 of this instrument.

Requirement to carry out levy information spot checks: Category 2

48.—(1) This regulation applies if, in a financial quarter, a collecting authority receives one or more sets of Category 2 levy information.

(2) The collecting authority must carry out a levy information spot check—

(a) in relation to at least one set of Category 2 levy information received in the financial quarter, and

(b) if the collecting authority receives more than 10 sets of Category 2 levy information in the financial quarter, in relation to at least 10% of those sets.

(3) A "set of Category 2 levy information" means—

(a) if the application referred to in regulation 46(1) is an initial notice, the building safety levy information that is provided with an initial notice together with the BSL information provided with the first compliant commencement notice given in relation to that initial notice;

(b) if the application referred to in regulation 46(1) is a RBCA pre-commencement updated application, the building safety levy information that is provided with that updated application together with the BSL information provided with the first compliant commencement notice given in relation to the initial notice to which that application relates;

(c) if the application referred to in regulation 46(1) is a RBCA updated application, the information required under paragraph 4(h) of, and the Annex to, Form 2 in Schedule 1 to the RBCA Regulations to be provided with that updated application;

(d) if a levy update notice is received in relation to an initial notice or an updated application referred to in sub-paragraph (b) or (c), the information required to be provided with the notice under regulation 52(3).

(4) In this regulation—

"BSL information" means the statement required by regulation 15(2A) of the RBCA Regulations to be included in the first compliant commencement notice;

"RBCA pre-commencement updated application" means a pre-commencement updated application in relation to an initial notice;

"RBCA updated application" means an updated application in relation to an initial notice other than an application which is a RBCA pre-commencement updated application.

Chapter 3

Process for carrying out levy information spot checks

Requirement to notify named client of levy information spot check

49.—(1) This regulation applies where a collecting authority carries out a levy information spot check in relation to a building control application.

(2) The collecting authority must as soon as practicable, but within the relevant period (as defined in regulation 46(3)) for the building control application, give notice to the named client—

(a) stating that the collecting authority is carrying out a levy information spot check,

(b) specifying the last date by which the spot check must be carried out, which is the end of the relevant period for the building control application, and

(c) stating that, if the collecting authority requests further information for the purposes of carrying out the levy information spot check, the period for carrying out the spot check is revised in accordance with regulation 50(3).

Further information and notice of outcome

50.—(1) This regulation applies where a collecting authority has given notice in relation to a building control application under regulation 49 that it is carrying out a levy information spot check.

(2) Subject to paragraph (3), the collecting authority must, no later than the LDN day, give notice to the named client stating whether or not the authority considers that the set of levy information in relation to the building control application is accurate.

(3) If the collecting authority considers it does not have sufficient information for the purposes of carrying out the levy information spot check—

(a) the collecting authority may request further information from the named client, and

(b) the period for carrying out the levy information spot check ends on the day which is 5 weeks after the day on which the collecting authority receives the information that the authority considers is sufficient to enable it to carry out the levy information spot check.

(4) In this regulation "the LDN day" is the day on which the collecting authority gives a levy determination notice or a revised levy determination notice in relation to the building control application to which the levy information spot check relates.

Inaccurate building safety levy information

51.—(1) This paragraph applies if, having carried out a levy information spot check in relation to a building control application, the collecting authority does not consider that the set of levy information is accurate.

(2) The notice given under regulation 50(2) must—

(a) specify the information that the authority considers is inaccurate (the "inaccurate information"), and

(b) specify the information that, for the purposes of determining the levy liability amount, the authority is substituting for the inaccurate information.

Chapter 4

Levy update notices

Levy update notices

52.—(1) This regulation applies if—

(a) a levy determination notice has been given to a named client in relation to a building control application,

(b) the building work to which the application relates has not been completed,

(c) one or more of the following changes occur in relation to the building work to which the application relates—

(i) the named client becomes an exempt person,

(ii) a new named client who is an exempt person replaces a named client who was not an exempt person,

(iii) the named client ceases to be an exempt person,

(iv) a new named client who is not an exempt person replaces a named client who was an exempt person,

(v) one or more dwellings which were to be ordinary residential dwellings will no longer be ordinary residential dwellings, or

(vi) one or more dwellings which were not to be ordinary residential dwellings are to be ordinary residential dwellings.

(2) A named client in relation to the building control application may, before the building work to which the application relates is completed, give a notice to the collecting authority requesting a revised levy determination notice in relation to the building work ("levy update notice").

(3) Subject to paragraph (4), the levy update notice must be signed by the named client and include—

(a) a statement setting out the number of dwellings, if any, that would be provided as a result of the building work to which the application relates (updated for the changes referred to in paragraph (1)(c)) which are within any of sub-paragraphs (a) to (c) of regulation 8(1) of the BSL Regulations,

(b) a statement setting out the levy charging information (updated for the changes referred to in paragraph (1)(c)), in relation to the application,

(c) a statement confirming whether or not the applicable planning information provided with the first compliant commencement notice under regulation 16(3C) of the 2010 Regulations, regulation 15(2) of the RBCA Regulations or regulations 9(3A) or 17(3A) of the HRB Regulations continues to be correct and if it is not, the statement must include the applicable planning information as updated,

(d) if a new person (NP) has become the client in relation to building work to which an initial notice relates (and details of NP have not already been given to the authority in an amendment notice, a levy update notice, a notice under regulation 15(2) of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 or notice under paragraph 2(3) of Schedule 4 to the BSL Regulations), a statement explaining that NP is the new named client and setting out the contact information for NP,

(e) evidence as to the matters described in sub-paragraphs (a) to (c).

(4) If the change to which the notice relates results in the building control application no longer being chargeable, the statement under paragraph (3)(b) must instead explain how the application is no longer chargeable.

(5) If part of the building work described in the application referred to in paragraph (1) is completed a named client may nevertheless give a levy update notice in relation to the building control application provided that any change referred to in paragraph (1)(c) relates to the remaining uncompleted building work.

(6) A levy update notice given in relation to a change in paragraph (1)(c)(ii) or (iv) may only be given by the new named client.

Procedure and outcome for levy updates

53.—(1) This regulation applies if the collecting authority—

(a) has given a levy determination notice in relation to a building control application, and

(b) has received a levy update notice relating to that application in accordance with regulation 52.

(2) For the purposes of these Regulations—

(a) the collecting authority must treat the levy update notice and the building control application as if it were a single building control application (the "levy update application");

(b) the collecting authority is treated as receiving the levy update application on the date on which it receives the levy update notice ("receipt date").

(3) Subject to paragraphs (6) to (12), the collecting authority must, before the end of the period of 5 weeks beginning with the receipt date—

(a) determine in accordance with regulation 15 whether or not the building control application remains chargeable having regard to the levy update application, and

(b) take either the steps specified in paragraph (4) or the step specified in paragraph (5).

(4) If the building control application, having regard to the levy update application, is chargeable, the collecting authority must—

(a) determine the levy liability amount in respect of the application, and

(b) revise the levy liability notice and give a revised levy determination notice to the named client which, subject to paragraph (6), includes the details set out in regulation 67(6).

(5) If the building control application, having regard to the levy update application, is no longer chargeable, the collecting authority must give to the named client a revised levy determination notice, containing a notice of no charge, which, subject to paragraph (6), includes the details set out in regulation 67(6).

(6) For the purposes of paragraphs (4)(b) and (5),regulation 67(6) has effect as if any reference in that paragraph to—

(a) the refund application were a reference to the levy update notice;

(b) the new levy liability amount were a reference to the levy liability amount determined under this regulation;

(c) the remaining work were a reference to the building work described in the building control application referred to in this regulation having regard to the levy update notice.

(7) In making the determination under paragraph (3) the collecting authority must refer to the circumstances which existed at the time the building control application was made, as varied by any changes referred to in regulation 52(1)(c).

(8) In determining the levy liability amount under paragraph (4) if the building control application referred to in paragraph (1) is an updated application the references in regulations 17(2)(a), 17(3), 18(2)(a), 18(3) and 18(4)(b) to the time the application was made must be read as references to the time the original application was made.

(9) If the collecting authority considers that the information provided in relation to the levy update application is not sufficient for the purposes of making a determination under this regulation—

(a) the collecting authority may request further information from the named client for the purposes of making the determination, and

(b) the period for determining the application ends on the day which is 5 weeks after the day on which the collecting authority receives the information that the authority considers is sufficient to enable it to make the determination.

(10) If the levy update notice is selected for a levy information spot check under regulations 47 or 48—

(a) the period for determining the levy update application and the levy information spot check is the period of 8 weeks beginning with the receipt date,

(b) if the collecting authority requests further information in accordance with paragraph (9), the period for determining the levy update application and the levy information spot check is the period given pursuant to paragraph (9)(b), or

(c) if the collecting authority requests further information in accordance with regulation 50(3), the period for determining the levy update application and the levy information spot check ends on the day which is 5 weeks after the day on which the collecting authority receives the information that the authority considers is sufficient to enable it to carry out the levy information spot check.

(11) If during the period provided for in paragraph (10)(b) a request for further information is made in accordance with regulation 50(3) then the period in paragraph (10)(c) applies instead.

(12) If during the period provided for in paragraph (10)(c) a request for further information is made in accordance with paragraph (9) then the period in paragraph (10)(b) applies instead.

(13) If a notice of no charge is given under paragraph (5) then the levy determination notice in relation to the application referred to in paragraph (1) is cancelled and the revised levy determination notice given under paragraph (5) must include a statement to that effect.

(14) If the levy determination notice referred to in paragraph (1) is a notice of no charge and the building control application, having regard to the levy update application, is chargeable then the notice of no charge is cancelled and the revised levy determination notice given under paragraph (4) must include a statement to that effect.

(15) If the building control application referred to in paragraph (1) is an initial notice, or an updated application in relation to an initial notice, the collecting authority must give a copy of the revised levy determination notice referred to in paragraph (4) to the registered building control approver.

(16) If part of the work described in a building control application to which a levy update notice relates is completed then—

(a) in determining whether the building control application remains chargeable, and

(b) in taking the steps specified in paragraph (4),

the completed work is to be treated as if it were as described in the building control application, including any variations to that work which were described in any variation application approved before the work was completed, and no regard is to be had to how a change listed in regulation 52(1)(c) relates to the completed work.

Request for revised levy determination

54.—(1) This paragraph applies if—

(a) a collecting authority has given a levy liability notice in relation to a building control application,

(b) one of the relevant circumstances applies, and

(c) there is no levy payment certificate in relation to the application.

(2) If paragraph (1) applies in relation to the application, the named client may request, by an application in accordance with paragraph (3) ("request application"), that the collecting authority gives a revised levy determination notice in relation to the building control application referred to in paragraph (1).

(3) A request application—

(a) must be signed by the named client;

(b) must include—

(i) the contact information for the named client;

(ii) information identifying the building control application referred to in paragraph (1), and where the application is an updated application, the original application and all of the variation applications relating to that application;

(iii) information identifying the levy liability notice given in relation to the building control application referred to in paragraph (1);

(iv) information identifying the regulation 54 work to which the request application relates and which of the relevant circumstances applies to that work;

(v) a statement explaining, by reference to the circumstances prevailing at the relevant time—

(aa) the floorspace information in relation to the regulation 54 work;

(bb) whether or not the named client in relation to the building control application referred to in paragraph (1) was an exempt person;

(cc) whether or not any building included in the regulation 54 work was an exempt building;

(dd) whether or not any dwelling included in the regulation 54 work was subject to an exemption referred to in regulation 8(1);

(c) must be accompanied by evidence to show that one of the relevant circumstances applies to the regulation 54 work.

(4) If following receipt of a request application in accordance with this regulation the collecting authority is satisfied the conditions in paragraph (1) are met, the collecting authority must, before the end of the period of 5 weeks beginning with the date on which the request application is received—

(a) determine the new levy liability amount in relation to the building control application referred to in paragraph (1) (where, subject to paragraph (5), a new levy liability amount has the meaning given in regulation 67);

(b) give the named client a revised levy determination notice in relation to the building control application;

(c) if the building control application referred to in paragraph (1) is an initial notice or an updated application in relation to an initial notice, give a copy of the revised levy determination notice to the registered building control approver.

(5) In determining the amount referred to in paragraph (4)(a), regulation 67 has effect as if in paragraphs (3) to (5) of that regulation any reference to—

(a) the refund application were a reference to the request application;

(b) the building control application referred to in regulation 66(1) were a reference to the building control application referred to in this regulation;

(c) part lapse work were a reference to regulation 54 work.

(6) In this regulation—

"floorspace information" has the same meaning as in regulation 66;

"regulation 54 work" means the part of the original work to which one of the relevant circumstances applies (where "original work" means the building work described in the building control application referred to in paragraph (1));

"relevant circumstances" are—

(a) section 32(3) or 53A(3) of the 1984 Act(**a**) applies in relation to part of the building work to which the building control application relates,

(b) the building control application is an initial notice or an updated application in relation to an initial notice, and a cancellation notice under section 52A of the 1984 Act has been given in relation to part of the building work to which the initial notice relates,

(c) the regulator becomes the building control authority under section 91ZA of the 1984 Act in relation to part of the building work to which the building control application relates,

(d) the regulator ceases to be the building control authority under section 91ZA of the 1984 Act in relation to part of the building work to which the building control application relates;

"relevant time" means the time which is the latest of the following—

(a) the time the first compliant commencement notice was given in relation to building work to which the building control application referred to in paragraph (1) relates;

(b) the time an updated application, if any, was made;

(c) the time the most recent levy update notice, if any, was given under regulation 52(2) in relation to the building control application.

PART 10

LEVY PAYMENT AND COMPLETION OF WORKS

Chapter 1

Payment of levy

Requirements in relation to levy payment certificates

55.—(1) This regulation applies where a collecting authority receives payment, in full, of the levy liability amount in relation to a building control application.

(2) The collecting authority must, before the end of the period of 2 weeks beginning with the date on which the payment is received by the collecting authority—

(a) give a levy payment certificate to the named client in relation to the building control application, and

(b) if the application is an initial notice or an updated application where the original application was an initial notice, give a copy of the levy payment certificate to the registered building control approver.

Content of levy payment certificate

56.—(1) A "levy payment certificate" is a notice in relation to a chargeable application stating the amount of building safety levy paid in respect of the application.

(2) A levy payment certificate must include—

(a) details identifying the building control application in respect of which the payment is received by the collecting authority,

(**a**) Section 32 was substituted and section 53A was inserted into the 1984 Act by section 36 of the Building Safety Act 2022.

(b) details identifying the levy liability notice in relation to the application, and the levy liability amount stated in that notice,

(c) a statement of—

(i) if ordinary residential dwellings would be provided as a result of the building work to which the application relates, the number of those dwellings,

(ii) if purpose-built student accommodation would be provided as a result of the work to which the application relates, the number of bedspaces contained in it, and

(iii) if dwellings would be provided as a result of the building work to which the application relates, the number of those dwellings that are within any of paragraphs (a) to (c) of regulation 8(1),

(d) if the levy payment certificate has been revised—

(i) the amount specified before revision, and

(ii) the amount of any payment made in relation to the building control application under regulations 65 and 66, and

(e) the date on which the certificate is given.

Chapter 2

Amendment of secondary legislation

Amendment of 2010 Regulations: completion notice

57.—(1) Regulation 16 of the 2010 Regulations is amended as follows.

(2) At the end of paragraph (4A) for the full stop substitute a semi-colon and then insert—

"(f) if, under regulation 14(1)(g) or (h), building safety levy information was required to be provided with the application for building control approval with full plans in relation to the building work or an updated application in relation to that application, a levy liability statement under paragraph (5B).".

(3) After paragraph (5A) insert—

"(5B) The "levy liability statement" is a statement, signed by the named client, that—

(a) a notice of no charge has been received in relation to the application referred to in paragraph (4A)(f), or an updated application relating to it, and has not been cancelled under regulation 43 or 53 of the BSL Regulations, or

(b) the levy liability amount in relation to the application referred to in paragraph (4A)(f), or the updated application relating to it, has been paid in full,

and for these purposes, "notice of no charge" and "levy liability amount" have the same meaning as in the BSL Regulations.".

Amendment of 2010 Regulations: withholding a completion certificate

58.—(1) Regulation 17 of the 2010 Regulations is amended as follows.

(2) In paragraph (1) for "A relevant authority" substitute "Subject to paragraph (2B), a relevant authority".

(3) After paragraph (2A) insert—

"(2B) Where the notice referred to in paragraph (2) was required by regulation 16(4A)(f) to include a levy liability statement, the relevant authority must not give a completion

certificate unless it has received a notification under regulation 63(2) or (4) of the BSL Regulations stating that the collecting authority agrees with the levy liability statement.".

Amendment of RBCA Regulations: compliance declarations

59.—(1) Regulation 18 of the RBCA Regulations is amended as follows.

(2) The existing provision becomes paragraph (1).

(3) At the end of paragraph (1) for the full stop substitute a semi-colon and then insert—

"(f) if, in accordance with paragraph 5(f) of Form 1, paragraph 4(h) of Form 2, or as the case may be paragraph 5(f) of Form 4, in Schedule 1, building safety levy information was required to be provided with the initial notice or an updated application in relation to that initial notice, a levy liability statement under paragraph (2).".

(4) After paragraph (1) insert—

"(2) The "levy liability statement" is a statement, signed by the named client, that—

(a) a notice of no charge has been given in relation to the initial notice referred to in paragraph (1)(f), or an updated application relating to it, and has not been cancelled under regulation 43 or 53 of the BSL Regulations, or

(b) the levy liability amount in relation to the initial notice referred to in paragraph (1)(f), or the updated application relating to it, has been paid in full,

and for those purposes, "notice of no charge" and "levy liability amount" have the same meaning as in the BSL Regulations.".

Amendment of RBCA Regulations: rejecting final certificate

60.—(1) The RBCA Regulations are amended as follows.

(2) In Schedule 1, for Form 5, substitute the corresponding form in Schedule 5.

(3) In Schedule 4, at the end insert—

"Building safety levy

11. If, in relation to any building work, regulation 18(1)(f) requires a levy liability statement to be included in a notice under that regulation, the building control authority must reject the final certificate in respect of such work unless it has received a notification under regulation 63(2) of the BSL Regulations stating that the collecting authority agrees with the levy liability statement.".

Amendment of HRB Regulations: completion certificate applications

61.—(1) The HRB Regulations are amended as follows.

(2) In regulation 40—

(a) at the end of paragraph (1) for the full stop substitute a semi-colon and then insert—

"(g) if, in accordance with regulation 4(1)(f), 12(1)(f) or 21(2)(g), building safety levy information was required to be provided with a building control application or an updated application in relation to that building control application, a levy liability statement under paragraph (3A).";

(b) after paragraph (3) insert—

"(3A) Subject to paragraph (3B), a "levy liability statement" is a statement, signed by the named client, that—

(a) a notice of no charge has been given in relation to the application referred to in paragraph (1)(g), or an updated application relating to it, and has not been cancelled under regulation 43 or 53 of the BSL Regulations, or

(b) the levy liability amount in relation to the application referred to in paragraph (1)(g), or an updated application relating to it, has been paid in full.

(3B) Where there is more than one collecting authority in relation to the building control application, the named client may only give a statement under paragraph (3A)(a) if each of the collecting authorities in relation to the application have given a notice of no charge and none of those notices have been cancelled.

(3C) In this regulation, "building control application", "levy liability amount" and "notice of no charge" have the same meaning as in the BSL Regulations.".

(3) In regulation 45 (partial completion certificates)—

(a) at the end of paragraph (2) for the full stop substitute a semi-colon and then insert—

"(j) if, in accordance with regulation 4(1)(f), 12(1)(f) or 21(2)(g), building safety levy information was required to be provided with a building control application or an updated application in relation to that building control application, a levy liability statement under paragraph (4A).";

(b) after paragraph (4) insert—

"(4A) Subject to paragraph (4B), a "levy liability statement" is a statement, signed by the named client, that—

(a) a notice of no charge has been given in relation to the application referred to in paragraph (2)(j), or an updated application relating to it, and has not been cancelled under regulation 43 or 53 of the BSL Regulations, or

(b) the levy liability amount in relation to the application referred to in paragraph (2)(j), or an updated application relating to it, has been paid in full.

(4B) Where there is more than one collecting authority in relation to the building control application, the named client may only give a statement under paragraph (4A)(a) if each of the collecting authorities in relation to the application have given a notice of no charge and none of those notices have been cancelled.

(4C) In this regulation "building control application", "levy liability amount" and "notice of no charge" have the same meaning as in the BSL Regulations.".

Amendment of HRB Regulations: rejecting completion certificate applications

62.—(1) The HRB Regulations are amended as follows.

(2) In regulation 44 (completion certificate applications: decisions), after paragraph (2) insert—

"(2A) Where the completion certificate application was required by regulation 40(1)(g) to include a levy liability statement, the regulator must reject the application unless a notice under regulation 63(4) of the BSL Regulations which states that the collecting authority agrees with the levy liability statement has been received from the collecting authority or, where there is more than one authority, such a notice has been received from each collecting authority.".

(3) In regulation 45 (partial completion certificates), after paragraph (11) insert—

"(11A) Where the partial completion certificate application was required by paragraph (2)(j) to include a levy liability statement, the regulator must reject the application unless a notice under regulation 63(4) of the BSL Regulations which states that the collecting authority agrees with the levy liability statement has been received from the collecting authority or, where there is more than one authority, such a notice has been received from each collecting authority.".

Chapter 3

Provision of information in relation to completion applications etc

Provision of information by the named client and by the collecting authority in relation to completion applications

63.—(1) This regulation applies where a building control authority receives an HRB-related completion application or a LABC completion application.

(2) In relation to a LABC completion application, before—

(a) in the case of a LABC completion application which is a notice under regulation 16(4) of the 2010 Regulations, giving a completion certificate under those Regulations,

(b) in the case of a LABC completion application which is a final certificate, accepting(**a**) the certificate,

the building control authority must ask the collecting authority whether or not it agrees with the levy liability statement in relation to the application and the collecting authority must notify the building control authority confirming whether or not the collecting authority agrees with the statement.

(3) In relation to a HRB-related completion application, the named client in relation to that completion application must—

(a) on a day which is no earlier than the day the application is made, provide to the collecting authority a statement, signed by the named client—

(i) stating that a HRB-related completion application has been made to the regulator, and

(ii) identifying each building control application to which the HRB-related completion application relates,

(b) on the day the named client provides the statement referred to in sub-paragraph (a), give the collecting authority a copy of the levy liability statement included in the HRB-related completion application, and

(c) on the day the named client provides the statement referred to in sub-paragraph (a), notify the regulator that the named client has provided the statements in sub-paragraph (a) and (b).

(4) Where a named client has provided the statements referred to in paragraph (3)(a) and (b) the collecting authority must, before the end of the period of 10 working days beginning with the day on which the authority receives those statements, notify the regulator confirming whether or not the authority agrees with the levy liability statement given by the named client.

(5) In this regulation—

(**a**) Section 50(5) to (7) of the 1984 Act, as applied to final certificates by section 51(2), sets out when a final certificate is accepted.

"final certificate statement" means, in the case of a LABC completion application which is a final certificate(**a**), a statement under paragraph 15 of Form 5 of Schedule 1 to the RBCA Regulations;

"HRB-related completion application" means—

(a) a completion certificate application that is required, by regulation 40 of the HRB Regulations, to include a levy liability statement;

(b) a partial completion certificate application that is required, by regulation 45 of the HRB Regulations, to include a levy liability statement;

(c) a notice under regulation 16(4) of the 2010 Regulations that—

(i) is given in relation to a section 91ZB application, and

(ii) is required, by regulation 16(4A) of the 2010 Regulations, to include a levy liability statement;

"LABC completion application" means—

(a) a notice under regulation 16(4) of the 2010 Regulations that—

(i) is given in relation to an application for building control approval with full plans which is not a section 91ZB application, and

(ii) is required, by regulation 16(4A) of the 2010 Regulations, to include a levy liability statement;

(b) a final certificate, given in relation to an initial notice, which is required to include a final certificate statement;

"levy liability statement" has the meaning given in regulation 16(5B) of the 2010 Regulations, regulation 18(2) of the RBCA Regulations or, as the case may be, regulation 40(3A) or 45(4A) of the HRB Regulations.

Rejection of applications by the Secretary of State

64.—(1) This regulation applies where, under section 30A of the 1984 Act, a person has applied for a HRB completion application to be determined by the Secretary of State.

(2) The Secretary of State must ask the collecting authority whether a notice under regulation 63(4) has been sent to the regulator in respect of the HRB completion application.

(3) If the collecting authority receives a request under paragraph (2) it must reply to the Secretary of State—

(a) stating whether a notice under regulation 63(4) has been given in relation to the application, and

(b) where such a notice has been given, providing a copy of the notice,

before the end of the period of 10 working days beginning with the day the request is received.

(4) The Secretary of State must reject the HRB completion application unless a copy of the notice under regulation 63(4), in respect of the building work to which the application relates, which states that the collecting authority agrees with the levy liability statement has been received from the collecting authority or, where there is more than one authority, a copy of such a notice has been received from each collecting authority.

(5) In this regulation "HRB completion application" means—

(a) a completion certificate application that is required, by regulation 40 of the HRB Regulations, to include a levy liability statement;

(**a**) See section 51 of the 1984 Act for the definition of "final certificate".

(b) a partial completion certificate application that is required, by regulation 45 of the HRB Regulations, to include a levy liability statement.

Chapter 4

Refunds

Refund of levy payments: conditions A to D

65.—(1) This regulation applies in relation to a building control application if—

(a) the collecting authority has given a levy liability notice in relation to the building control application,

(b) the collecting authority has given a levy payment certificate under regulation 55 in respect of the building control application, and

(c) any of conditions A to D are met.

(2) Where this regulation applies and the collecting authority is satisfied that the amount payable exceeds the reasonable administrative costs that would be incurred by it in making the payment, the collecting authority must, within the refund payment period, pay to the named client an amount calculated in accordance with paragraph (7) ("refund amount") and—

(a) if a notice of no charge is given, give the named client a notice cancelling the original levy payment certificate, or

(b) in any other case, give the named client a revised levy payment certificate which, subject to paragraph (8), must include the details referred to in regulation 67(8).

(3) Condition A is that—

(a) the levy liability notice referred to in paragraph (1)(a) is cancelled under regulation 43(2) or (3), and

(b) either—

(i) the levy liability amount specified in the levy liability notice in relation to the updated application is lower than the amount specified in the levy payment certificate referred to in paragraph (1)(b), or

(ii) the collecting authority gives a notice of no charge in relation to the updated application.

(4) Condition B is that—

(a) the levy liability notice referred to in paragraph (1)(a) is revised or cancelled under regulation 53, and

(b) either—

(i) the levy liability amount specified in the revision of the levy liability notice in relation to the levy update application is lower than the amount specified in the levy payment certificate referred to in paragraph (1)(b), or

(ii) the collecting authority gives a notice of no charge in relation to the levy update application.

(5) Condition C is that—

(a) under regulation 72, the collecting authority carries out a review of its determination of the levy liability amount specified in the levy liability notice referred to in paragraph (1)(a), and

(b) on the review, either—

(i) the collecting authority revises the levy liability notice and the levy liability amount specified in that notice is lower than the amount specified in the levy payment certificate referred to in paragraph (1)(b), or

(ii) the collecting authority gives a notice of no charge.

(6) Condition D is that—

(a) on an appeal against a collecting authority's determination of the levy liability amount specified in the levy liability notice referred to in paragraph (1)(a), the First-tier Tribunal substitutes a decision as to the levy liability amount, and

(b) pursuant to regulation 73(5), either—

(i) the collecting authority revises a levy liability notice and the levy liability amount specified in that notice is lower than the amount specified in the levy payment certificate referred to in paragraph (1)(b), or

(ii) the collecting authority gives a notice of no charge.

(7) The refund amount is an amount equal to—

(a) in a case within paragraph (3)(b)(i), the difference between—

(i) the amount specified in the levy payment certificate referred to in paragraph (1)(b), and

(ii) the levy liability amount specified in the levy liability notice for the updated application;

(b) in a case within paragraph (4)(b)(i), (5)(b)(i) or (6)(b)(i) the difference between—

(i) the amount specified in the levy payment certificate referred to in paragraph (1)(b), and

(ii) the levy liability amount specified in the revision to the levy liability notice;

(c) in a case within paragraph (3)(b)(ii), (4)(b)(ii), (5)(b)(ii) or (6)(b)(ii), the amount specified in the levy payment certificate referred to in paragraph (1)(b).

(8) For the purposes of paragraph (2), regulation 67(8) has effect as if any reference in that paragraph to relevant work were a reference to the building work described in the building control application referred to in this regulation having regard to the variation application, the levy update notice, the review or, as the case may be, the appeal.

(9) In this regulation "refund payment period" means the period of 2 weeks beginning with the later of—

(a) the date on which the revised levy determination notice is given or, in the case of an updated application, the levy determination notice is given, and

(b) the date on which the collecting authority receives details of a bank account, nominated by the named client, into which the payment is to be made.

Refund of levy payments: conditions E to K

66.—(1) This regulation applies in relation to a building control application if—

(a) the collecting authority has given a levy liability notice in relation to the building control application,

(b) the collecting authority has given a levy payment certificate under regulation 55 in respect of the levy liability notice, and

(c) any of conditions E to K are met.

(2) Where this regulation applies, the named client may apply, in accordance with paragraph (12), to the collecting authority for a refund ("refund application").

(3) Following receipt of a refund application, if the collecting authority is satisfied that—

(a) the requirements of paragraph (1) are met, and

(b) the amount payable exceeds the reasonable administrative costs that would be incurred by it in making the payment,

the collecting authority must, within the refund payment period, pay to the named client an amount calculated in accordance with paragraph (11) ("refund amount").

(4) Condition E is that a lapse provision applies in relation to part of the building work to which the building control application relates.

(5) Condition F is that—

(a) the building control application referred to in paragraph (1) is an initial notice, or an updated application in relation to an initial notice,

(b) the initial notice is cancelled under a cancellation provision, and

(c) no final certificate has been accepted(**a**) in respect of any of the building work to which the initial notice relates.

(6) Condition G is that—

(a) the building control application referred to in paragraph (1) is an initial notice, or an updated application in relation to an initial notice,

(b) the initial notice is cancelled under a cancellation provision, and

(c) a final certificate has been accepted in respect of any of the building work to which the initial notice relates.

(7) Condition H is that—

(a) the building control application referred to in paragraph (1) is an initial notice, or an updated application in relation to an initial notice, and

(b) the initial notice is cancelled, wholly or partially, under section 52A of the 1984 Act(**b**).

(8) Condition I is that—

(a) a local authority was the building control authority(**c**) for building work to which the building control application referred to in paragraph (1) relates, and

(b) the regulator becomes the building control authority under section 91ZA of the 1984 Act(**d**) in relation to some or all of the building work to which the application relates.

(9) Condition J is that—

(a) the regulator was the building control authority under section 91ZB of the 1984 Act for building work to which the building control application referred to in paragraph (1) relates, and

(b) the regulator becomes the building control authority under section 91ZA of the 1984 Act in relation to some or all of the building work to which the application relates.

(10) Condition K is that—

(a) the regulator was the building control authority under section 91ZA of the 1984 Act for building work to which the building control application referred to in paragraph (1) relates, and

---

(**a**) Section 50(5) to (7) of the 1984 Act, as applied to final certificates by section 51(2), sets out when a final certificate is accepted.

(**b**) Section 52A was inserted into the 1984 Act by S.I. 1996/1905 and substituted by section 46(3) of the Building Safety Act 2022.

(**c**) See section 121A of the 1984 Act for the definition of building control authority. Section 121A was inserted by section 32(4) of the Building Safety Act 2022.

(**d**) Sections 91ZA and 91ZB were inserted into the 1984 Act by section 32(3) of the Building Safety Act 2022.

(b) a local authority becomes the building control authority in relation to some or all of the building work to which the application relates.

(11) The refund amount is—

(a) in a case to which condition E applies, an amount equal to the difference between the amount shown in the levy payment certificate referred to in paragraph (1)(b) and the new levy liability amount specified in the revised levy determination notice given under regulation 67;

(b) in a case to which condition F applies, the amount shown in the levy payment certificate referred to in paragraph (1)(b);

(c) in a case to which condition G applies, the amount attributable to the uncertificated work;

(d) in a case to which condition H applies—

(i) if the cancellation under section 52A of the 1984 Act applies to the whole of the initial notice, the amount shown in the levy payment certificate referred to in paragraph (1)(b);

(ii) if a final certificate has been accepted in respect of some of the building work to which the initial notice relates and the cancellation under section 52A of the 1984 Act applies to the remainder of the building work described in the initial notice, the amount attributable to the uncertificated work;

(iii) in any other case, an amount equal to the difference between the amount shown in the levy payment certificate referred to in paragraph (1)(b) and the new levy liability amount specified in the revised levy determination notice given under regulation 67;

(e) in a case to which condition I or condition K applies—

(i) if the local authority or, as the case may be, the regulator ceases to be the building control authority in relation to all the building work to which the building control application relates, the amount shown in the levy payment certificate referred to in paragraph (1)(b);

(ii) if a completion certificate has been given in respect of some of the building work to which the building control application relates and the local authority or, as the case may be, the regulator ceases to be the building control authority in relation to the remainder of the building work described in the building control application, the amount attributable to the uncertificated work;

(iii) in any other case, an amount equal to the difference between the amount shown in the levy payment certificate referred to in paragraph (1)(b) and the new levy liability amount specified in the revised levy determination notice given under regulation 67;

(f) in a case to which condition J applies—

(i) if the regulator ceases to be the building control authority under section 91ZB of the 1984 Act in relation to all the building work to which the building control application relates, the amount shown in the levy payment certificate referred to in paragraph (1)(b);

(ii) if a completion certificate has been given in respect of some of the building work to which the building control application relates and the regulator ceases to be the building control authority under section 91ZB of the 1984 Act in relation to the remainder of the building work described in the building control application, the amount attributable to the uncertificated work;

(iii) in any other case, an amount equal to the difference between the amount shown in the levy payment certificate referred to in paragraph (1)(b) and the new levy liability amount specified in the revised levy determination notice given under regulation 67.

(12) An application under this regulation—

(a) must be signed by the named client and given to the collecting authority,

(b) must include—

(i) the contact information for the named client,

(ii) information identifying the building control application referred to in paragraph (1), the original application and all of the related variation applications relating to that application,

(iii) information identifying any levy liability notice given in relation to that application,

(iv) information identifying the levy payment certificate in relation to the building control application referred to in paragraph (1),

(v) in a case to which condition E applies, information identifying the lapse provision which applies,

(vi) in a case to which condition E applies, information identifying the part lapse work to which the refund application relates,

(vii) in a case to which condition F or G applies, information identifying the cancellation provision which applies,

(viii) in a case to which condition H applies, a statement identifying whether the whole, or part only, of the initial notice is affected,

(ix) in a case to which condition F or paragraph (11)(d)(i) applies, a statement confirming that no final certificate has been accepted in relation to any of the work,

(x) in a case to which condition G applies—

(aa) information identifying the uncertificated work,

(bb) information identifying each of the final certificates accepted,

(xi) in a case to which paragraph (11)(d)(ii) applies, information identifying the uncertificated work and each of the final certificates accepted,

(xii) in a case to which paragraph (11)(d)(iii) applies, information identifying the condition H work to which the refund application relates,

(xiii) in a case to which condition I, condition J or condition K applies—

(aa) where paragraph (11)(e)(i) applies, a statement explaining that the local authority or, as the case may be, the regulator has ceased to be the building control authority in relation to all the building work to which the building control application referred to in paragraph (1) relates,

(bb) where paragraph (11)(f)(i) applies, a statement explaining that the regulator has ceased to be the building control authority under section 91ZB of the 1984 Act in relation to all the building work to which the building control application referred to in paragraph (1) relates,

(cc) where paragraph (11)(e)(ii) or (f)(ii) applies, information identifying the uncertificated work and each of the completion certificates given, and

(dd) where paragraph (11)(e)(iii) or (f)(iii) applies, information identifying the condition I work, condition J work or condition K work to which the refund application relates,

(xiv) in a case to which condition E, condition G, paragraph (11)(d)(ii) or (iii), paragraph (11)(e)(ii) or (iii) or paragraph (11)(f)(ii) or (iii) applies, a statement explaining by reference to the circumstances prevailing at the relevant time—

(aa) the floorspace information in relation to the part lapse work, uncertificated work, condition H work, condition I work, condition J work or, as the case may be, the condition K work,

(bb) whether or not the named client in relation to the building control application referred to in paragraph (1) was an exempt person,

(cc) whether or not any building included in the part lapse work, uncertificated work, condition H work, condition I work, condition J work or, as the case may be, the condition K work was an exempt building, and

(dd) whether or not any dwelling included in the part lapse work, uncertificated work, condition H work, condition I work, condition J work or, as the case may be, the condition K work was subject to an exemption referred to in regulation 8(1), and

(xv) details of a bank account, nominated by the named client, into which any refund is to be paid, and

(c) must be accompanied by—

(i) in a case to which condition E applies, evidence to show a lapse provision applies to the part lapse work;

(ii) in a case to which condition F, G or H applies, evidence to show the initial notice, or, if applicable, part of it, has been cancelled or ceased to be in force;

(iii) in a case to which condition I applies, evidence to show the regulator has become the building control authority in relation to the condition I work;

(iv) in a case to which condition J applies, evidence to show the regulator has become the building control authority under section 91ZA of the 1984 Act in relation to the condition J work;

(v) in a case to which condition K applies, evidence to show the local authority has become the building control authority in relation to the condition K work.

(13) Subject to paragraph (14), the "amount attributable to the uncertificated work" is the amount given by applying the formula in regulation 16(2) in respect of each relevant residential building to which the uncertificated work relates, adding together the amounts if there is more than one building.

(14) In determining the amount referred to in paragraph (13)—

(a) the rules in regulations 16 to 21 are to apply in relation to the uncertificated work as if—

(i) references in regulations 16(1), 16(4), 17(3), 18(2) and 20(2)(a) to a building to which a building control application relates were references to a building to which the uncertificated work relates;

(ii) if the application referred to in paragraph (1) is an updated application the references in regulations 17(2)(a), 17(3), 18(2)(a), 18(3) and 18(4)(b) to the time the application was made were references to the time the original application was made;

(b) whether or not the named client is an exempt person is to be determined by reference to the circumstances prevailing at the relevant time;

(c) whether or not a building is an exempt building is to be determined by reference to the circumstances at the relevant time;

(d) whether or not a dwelling is subject to an exemption referred to in regulation 8(1) is to be determined by reference to the circumstances at the relevant time;

(e) no regard is to be had to whether the uncertificated work on its own is major residential development.

(15) If the collecting authority is not satisfied the requirements of paragraph (1) are met, it must give a notice to the named client to that effect.

(16) If the collecting authority considers that the information provided in relation to the refund application is not sufficient for the purposes of making a determination under this regulation—

(a) the collecting authority may request further information from the named client for that purpose, and

(b) the refund payment period in that case is the period of 5 weeks beginning with—

(i) the date on which the collecting authority receives the information that the authority considers is sufficient to enable it to make the determination, or

(ii) if later, the date the collecting authority receives bank details of the named client for the payment.

(17) In this regulation—

"cancellation provision" means—

(a) section 52 of the 1984 Act;

(b) section 53D of the 1984 Act(**a**);

"completion certificate" means a certificate given under regulation 17(1) of the 2010 Regulations or, as the case may be, regulation 44(1) or 45(10) of the HRB Regulations;

"condition H work" means the part of the original work to which the cancellation under section 52A of the 1984 Act relates, where the original work means the building work described in the building control application referred to in paragraph (1);

"condition I work" means the part of the original work in relation to which the local authority is no longer the building control authority, where the original work means the building work described in the building control application referred to in paragraph (1);

"condition J work" means the part of the original work in relation to which the regulator is no longer the building control authority under section 91ZB of the 1984 Act, where the original work means the building work described in the building control application referred to in paragraph (1);

"condition K work" means the part of the original work in relation to which the regulator is no longer the building control authority, where the original work means the building work described in the building control application referred to in paragraph (1);

"floorspace information" has the meaning given in—

(a) where the application referred to in paragraph (1) is a higher-risk building application or change control application, regulation 17B of the HRB Regulations;

(b) where the application referred to in paragraph (1) is an application for building control approval with full plans or a section 91ZB application, regulation 16A of the 2010 Regulations(**b**);

(c) where the application referred to in paragraph (1) is an initial notice or an amendment notice, regulation 15A of the RBCA Regulations;

(**a**) Section 53D was inserted into the 1984 Act by section 51(2) of the Building Safety Act 2022.
(**b**) Regulation 16A is inserted into the 2010 Regulations by regulation 28 of this instrument.

"lapse provision" means—

(a) section 32(3) of the 1984 Act,

(b) section 53A(3) of the 1984 Act(**a**);

"part lapse work" means the part of the original work to which a lapse provision applies, where the original work means the building work described in the building control application referred to in paragraph (1);

"refund payment period" is—

(a) in a case to which condition F applies or where paragraph (11)(d)(i), (e)(i) or (f)(i) applies, 5 weeks beginning with—

(i) the date the refund application is received by the collecting authority, or

(ii) if later, the date the collecting authority receives bank details of the named client for the payment;

(b) in a case to which condition G or where paragraph (11)(d)(ii), (e)(ii) or (f)(ii) applies, 2 weeks beginning with—

(i) the date the collecting authority gives the revised levy payment certificate required under regulation 67, or

(ii) if later, the date the collecting authority receives bank details of the named client for the payment;

(c) in any other case, 2 weeks beginning with—

(i) the date the collecting authority gives the revised levy determination notice required under regulation 67, or

(ii) if later, the date the collecting authority receives bank details of the named client for the payment;

"relevant time" means the time which is the latest of the following—

(a) the time the first compliant commencement notice was given in relation to building work to which the building control application referred to in paragraph (1) relates;

(b) the time an updated application, if any, was made;

(c) the time the most recent levy update notice, if any, was given under regulation 52(2) in relation to the building control application;

"uncertificated work" means the part of the original work in respect of which no final certificate has been accepted or, as the case may be, no completion certificate has been given, where the original work means the building work described in the building control application referred to in paragraph (1).

Refunds: levy liability amount, levy liability notices and levy payment certificates

67.—(1) This regulation applies if, following receipt of a refund application in accordance with regulation 66, a collecting authority is satisfied the requirements of regulation 66(1) are met.

(2) Where this regulation applies—

(a) in a case to which condition E in regulation 66 applies, the collecting authority must, before the end of the period of 5 weeks beginning with the date on which the refund application is received—

(**a**) Section 32 was substituted and section 53A was inserted into the 1984 Act by section 36 of the Building Safety Act 2022.

(i) determine the new levy liability amount in relation to the building control application referred to in regulation 66(1),

(ii) give the named client a revised levy determination notice in relation to the building control application,

(iii) give the named client a revised levy payment certificate, and

(iv) if the building control application referred to in regulation 66(1) is an initial notice or an updated application in relation to an initial notice, give a copy of the revised levy determination notice and revised levy payment certificate to the registered building control approver,

(b) in a case to which condition F in regulation 66 applies—

(i) on the date the refund is issued the levy liability notice and levy payment certificate referred to in regulation 66(1) are cancelled, and

(ii) the collecting authority must, no later than 2 weeks after the date on which the refund amount under regulation 66(3) is paid, give a notice of the cancellation to the named client and give a copy of that notice to the registered building control approver,

(c) in a case to which condition G in regulation 66 applies—

(i) on the date the refund is issued the levy liability notice referred to in regulation 66(1) is cancelled, and

(ii) the collecting authority must, before the end of the period of 5 weeks beginning with the date the refund application is received—

(aa) give the named client a revised levy payment certificate,

(bb) give a copy of the revised levy payment certificate to the registered building control approver,

(d) in a case to which condition H, condition I, condition J or condition K in regulation 66 applies—

(i) if the cancellation under section 52A of the 1984 Act applies to the whole of the initial notice referred to in condition H in regulation 66—

(aa) on the date the refund is issued the levy liability notice and levy payment certificate referred to in regulation 66(1) are cancelled,

(bb) the collecting authority must, no later than 2 weeks after the date on which the refund amount under regulation 66(3) is paid, give a notice of the cancellation to the named client and give a copy of that notice to the registered building control approver,

(ii) if a final certificate has been accepted in respect of some of the building work to which that initial notice relates and the cancellation under section 52A of the 1984 Act applies to the remainder of the building work described in the initial notice—

(aa) on the date the refund is issued the levy liability notice referred to in regulation 66(1) is cancelled,

(bb) the collecting authority must, before the end of the period of 5 weeks beginning with the date the refund application is received, give the named client a revised levy payment certificate and give a copy of that certificate to the registered building control approver,

(iii) if condition I or condition K applies and the local authority or, as the case may be, the regulator ceases to be the building control authority in relation to all the

building work to which the building control application referred to in regulation 66(1) relates—

(aa) on the date the refund is issued the levy liability notice and levy payment certificate referred to in regulation 66(1) are cancelled,

(bb) the collecting authority must, no later than 2 weeks after the date on which the refund amount under regulation 66(3) is paid, give a notice of the cancellation to the named client,

(iv) if condition J applies and the regulator ceases to be the building control authority under section 91ZB of the 1984 Act in relation to all the building work to which the building control application referred to in regulation 66(1) relates—

(aa) on the date the refund is issued the levy liability notice and levy payment certificate referred to in regulation 66(1) are cancelled,

(bb) the collecting authority must, no later than 2 weeks after the date on which the refund amount under regulation 66(3) is paid, give a notice of the cancellation to the named client,

(v) if condition I or condition K applies and a completion certificate has been given in respect of some of the building work to which that building control application relates and the local authority or, as the case may be, the regulator ceases to be the building control authority in relation to the remainder of the building work described in that building control application—

(aa) on the date the refund is issued the levy liability notice referred to in regulation 66(1) is cancelled,

(bb) the collecting authority must, before the end of the period of 5 weeks beginning with the date the refund application is received, give the named client a revised levy payment certificate,

(vi) if condition J applies and a completion certificate has been given in respect of some of the building work to which that building control application relates and the regulator ceases to be the building control authority under section 91ZB of the 1984 Act in relation to the remainder of the building work described in that building control application—

(aa) on the date the refund is issued the levy liability notice referred to in regulation 66(1) is cancelled,

(bb) the collecting authority must, before the end of the period of 5 weeks beginning with the date the refund application is received, give the named client a revised levy payment certificate, and

(vii) in any other case, the collecting authority must, before the end of the period of 5 weeks beginning with the date the refund application is received—

(aa) determine the new levy liability amount in relation to the building control application referred to in regulation 66(1),

(bb) give the named client a revised levy determination notice and a revised levy payment certificate in relation to the building control application,

(cc) where condition H applies, also give a copy of the revised levy determination notice and revised levy payment certificate to the registered building control approver.

(3) In this regulation the "new levy liability amount", in relation to a building control application, is the difference between A and B, where—

(a) A is the levy liability amount shown in the levy liability notice given, and not cancelled, before the date of receipt of the refund application, and

(b) B is the amount of building safety levy attributable to the part lapse work, or in a case within paragraph (2)(d)(vii), the amount of building safety levy attributable to the condition H work or, as the case may be, the amount of building safety levy attributable to the condition I work, condition J work or condition K work.

(4) Subject to paragraph (5), in this regulation—

(a) the "amount of building safety levy attributable to the part lapse work" is the amount given by applying the formula in regulation 16(2) in respect of each relevant residential building to which the part lapse work relates, adding together the amounts if there is more than one building;

(b) the "amount of building safety levy attributable to the condition H work" is the amount given by applying the formula in regulation 16(2) in respect of each relevant residential building to which the condition H work relates, adding together the amounts if there is more than one building;

(c) the "amount of building safety levy attributable to the condition I work" is the amount given by applying the formula in regulation 16(2) in respect of each relevant residential building to which the condition I work relates, adding together the amounts if there is more than one building;

(d) the "amount of building safety levy attributable to the condition J work" is the amount given by applying the formula in regulation 16(2) in respect of each relevant residential building to which the condition J work relates, adding together the amounts if there is more than one building;

(e) the "amount of building safety levy attributable to the condition K work" is the amount given by applying the formula in regulation 16(2) in respect of each relevant residential building to which the condition K work relates, adding together the amounts if there is more than one building.

(5) In determining the amount referred to in paragraph (4)—

(a) the rules in regulations 16 to 21 are to apply in relation to the part lapse work, the condition H work, condition I work, condition J work or, as the case may be, the condition K work as if—

(i) references in regulations 16(1), 16(4), 17(3) and 20(2)(a) to a building to which a building control application relates were references to a building to which the part lapse work, the condition H work, condition I work, condition J work or, as the case may be, the condition K work relates;

(ii) if the building control application referred to in regulation 66(1) is an updated application the references in regulations 17(2)(a), 17(3), 18(2)(a), 18(3) and 18(4)(b) to the time the application was made were references to the time the original application was made;

(b) whether or not the named client is an exempt person is to be determined by reference to the circumstances at the time the building control application referred to in regulation 66(1) was made or, if later, the time a levy update notice was given under regulation 52(2) ("the relevant time");

(c) whether or not a building is an exempt building is to be determined by reference to the circumstances at the relevant time;

(d) whether or not a dwelling is subject to an exemption referred to in regulation 8(1) is to be determined by reference to the circumstances at the relevant time;

(e) no regard is to be had to whether the part lapse work, condition H work, condition I work, condition J work or, as the case may be, the condition K work on its own is major residential development.

(6) A "revised levy determination notice" is a notice which specifies the new levy liability amount, or that there is no charge where the application is not chargeable, and must also specify—

(a) the building control application and, if applicable, the refund application to which the notice relates,

(b) in a case where the notice specifies a new levy liability amount—

(i) if ordinary residential dwellings would be provided as a result of the remaining work to which the building control application relates, the number of those dwellings,

(ii) if dwellings would be provided as a result of the remaining work, the number of those dwellings that are within any of sub-paragraphs (a) to (c) of regulation 8(1),

(iii) if purpose-built student accommodation would be provided as a result of the remaining work, the number of bedspaces contained in it,

(iv) in relation to each of the relevant residential buildings to which the remaining work relates—

(aa) the amount of chargeable accommodation floorspace (as defined in regulation 17(2)),

(bb) the chargeable amount of communal floorspace (as defined in regulation 18(2)), and

(cc) the applicable area rate (as defined in regulation 20(2)),

(v) the amount, if any, of the building safety levy previously paid in respect of the building control application including a separate amount for the original application, any updated application and any change to the levy amount following a levy update notice,

(c) in a case where the notice specifies there is no charge—

(i) the number of dwellings, if any, that would be provided as a result of the remaining work to which the building control application relates,

(ii) if purpose-built student accommodation would be provided as a result of the remaining work, the number of bedspaces contained in it,

(iii) the reasons why the application is not chargeable,

(d) the amount of any payment previously made in relation to the building control application under regulations 65 and 66,

(e) the date on which the notice is given.

(7) If the revised levy determination notice relates to an updated application the reference in paragraph (6)(a) to the building control application to which the notice relates is a reference to the original application and each subsequent variation application in relation to it.

(8) In this regulation a "revised levy payment certificate" is a notice which specifies the amount of building safety levy paid in respect of the building control application referred to in regulation 65(1) or 66(1) less the refund amount given under regulation 65(2), or, as the case may be, 66(3), and it must also include—

(a) details of the building control application in respect of which the payment under the previous levy payment certificate was received by the collecting authority,

(b) details of each levy payment certificate, including the amount specified in the certificate,

(c) details of the amount of any payment previously made in relation to the building control application under regulations 65 and 66,

(d) a statement of—

(i) if ordinary residential dwellings are provided or would be provided as a result of the relevant work to which the building control application relates, the number of those dwellings,

(ii) if the relevant work relates to purpose-built student accommodation, the number of bedspaces contained in that accommodation, and

(iii) if the relevant work also relates to dwellings that are within any of paragraphs (a) to (c) of regulation 8(1), the number of those dwellings, and

(e) the date on which the revised levy payment certificate is given.

(9) In this regulation—

"completion certificate","condition H work", "condition I work", "condition J work" and "condition K work" have the meanings given in regulation 66;

"part lapse work" has the meaning given in regulation 66;

"refund application" has the meaning given in regulation 66;

"relevant work" means—

(a) in a case to which condition E or paragraph (11)(d)(iii), (e)(iii) or (f)(iii) of regulation 66 applies, the remaining work;

(b) in a case to which condition G or paragraph (11)(d)(ii), (e)(ii) or (f)(ii) of regulation 66 applies, the part of the original work in respect of which a final certificate has been accepted or, as the case may be, a completion certificate has been given, where the original work means the building work described in the building control application referred to in regulation 66(1);

"remaining work" means the original work ignoring the part lapse work, condition H work, condition I work, condition J work or, as the case may be, condition K work, where the original work means the building work described in the building control application referred to in regulation 66(1).

PART 11

PAYMENT OF RECEIPTS TO THE SECRETARY OF STATE

Provision of payment information to the Secretary of State

68.—(1) A collecting authority must prepare a building safety levy return for each financial quarter.

(2) A building safety levy return relating to a financial quarter must be provided to the Secretary of State within 30 days of the end of that quarter.

(3) A building safety levy return must include the following information—

(a) the total of the notified building safety levy amounts, for the financial quarter, charged at the area rate shown in column 2 of the table in Schedule 3;

(b) the total of the notified building safety levy amounts, for the financial quarter, charged at the area rate shown in column 3 of the table in Schedule 3;

(c) the total of the notified building safety levy amounts, for all preceding financial quarters, charged at the area rate shown in column 2 of the table in Schedule 3, excluding—

(i) amounts stated in levy liability notices that were given but subsequently cancelled whether in the financial quarter to which the return relates or a preceding financial quarter, and

(ii) amounts paid in respect of building safety levy in the current and all preceding quarters;

(d) the total of the notified building safety levy amounts, for all preceding financial quarters, charged at the area rate shown in column 3 of the table in Schedule 3, excluding—

(i) amounts stated in levy liability notices that were given but subsequently cancelled whether in the financial quarter to which the return relates or a preceding financial quarter, and

(ii) amounts paid in respect of building safety levy in the current and all preceding quarters;

(e) the total amount of payments in respect of building safety levy made to the collecting authority during the financial quarter;

(f) the total number of payments made by the collecting authority, during the financial quarter, under regulations 65 and 66 and the total amount of those payments;

(g) the total amount of administrative expenses, as defined in regulation 69, incurred by the collecting authority during the financial quarter;

(h) the total amount in respect of building safety levy to be paid by the collecting authority to the Secretary of State in relation to the financial quarter;

(i) the total number of levy information spot checks carried out in the financial quarter and the number of those spot checks to which regulation 51 applies.

(4) In this regulation, a "notified building safety levy amount" for a financial quarter is an amount of building safety levy stated in a levy liability notice that—

(a) is given by the collecting authority during the financial quarter, and

(b) is not cancelled before the end of that financial quarter.

Payment and deduction of administrative expenses

69.—(1) The collecting authority must, in respect of each financial quarter, pay an amount equal to the levy balance for that quarter to the Secretary of State within 42 days of the end of that quarter.

(2) To determine the levy balance for a financial quarter, take the following steps—

Step 1

Calculate the total amount of payments in respect of building safety levy received by the collecting authority during that quarter.

Step 2

Deduct the following from the amount determined under Step 1—

(a) the administrative expenses of the collecting authority during the financial quarter, and

(b) the total amount of payments made by the collecting authority, during the financial quarter, under regulations 65 and 66.

Step 3

If the levy balance for the immediately preceding financial quarter was a negative amount, deduct the amount of the deficit from the result given after Steps 1 and 2.

(3) If the levy balance for a financial quarter is a negative amount, paragraph (1) does not apply in respect of that financial quarter.

(4) In this regulation, "administrative expenses" are the aggregate amount incurred by a collecting authority, in its capacity as collecting authority, on the following—

(a) employing staff, or engaging contractors, to work on or assist with the collection, administration and enforcement of the building safety levy;

(b) costs of acquiring, developing, joining and using systems and services, including electronic or online systems and services, to be used in relation to the collection, administration and enforcement of the building safety levy;

(c) office costs incurred in relation to the collection, administration and enforcement of the building safety levy, including the cost of providing office equipment, stationery, and email, messaging and telephone services;

(d) costs of maintaining office equipment, systems or services referred to in sub-paragraph (b) and (c), including any specialist advice required to do so;

(e) costs, including rent, facilities management and provision of utility services, payable in relation to office accommodation used by the staff referred to in sub-paragraph (a), and for space occupied by the equipment, systems and services referred to in sub-paragraphs (b) and (c);

(f) costs associated with legal proceedings in connection with the building safety levy;

(g) any other amounts for which the collecting authority is legally liable in connection with the building safety levy.

Reimbursement by the Secretary of State

70.—(1) This regulation applies if a collecting authority's levy balance is a negative amount for the financial quarter ending on the last day of March in any year.

(2) The Secretary of State must make a payment to the collecting authority of an amount equal to the amount of the deficit.

(3) For the purposes of Step 3 in regulation 69(2), the levy balance for that financial quarter is treated as being nil.

PART 12

DECISIONS OF COLLECTING AUTHORITY: REVIEWS AND APPEALS

Request for a review

71.—(1) The named client in relation to a building control application may request a review of—

(a) a decision by the collecting authority to give a levy liability notice under regulation 37 or its determination of the levy liability amount specified in such a notice;

(b) a decision by the collecting authority to revise a levy liability notice under regulation 53, regulation 54 or regulation 67 or its determination of the new levy liability amount specified in such a notice;

(c) a decision by the collecting authority to refuse to issue a refund under regulation 65 or 66 or its determination of a refund amount under those provisions.

(2) The request must be made to the collecting authority before the end of the period of 28 days beginning with the day on which the levy liability notice or the revision to the levy liability notice referred to in paragraph (1), or a decision under paragraph (1)(c) is given.

(3) The request must include the following information—

(a) the contact information for the named client,

(b) information identifying the building control application, or, in the case of an updated application, the original application and all of the related variation applications, to which the levy liability notice or, as the case may be, the revision to the levy liability notice relates,

(c) information identifying the levy liability notice or, as the case may be, the revision to the levy liability notice,

(d) where the request is in relation to a decision under regulation 65, 66 or 67, information identifying the levy payment certificate in relation to the building control application, and

(e) the reason for requesting a review.

(4) The request may include, or be accompanied by, such other information as the named client considers relevant for the purposes of determining the amount of a refund or the amount of building safety levy chargeable in relation to the building control application whether or not that information was available at the time the application was made.

(5) A person may not request a review of the decision reached on an earlier review, but this does not prevent a review of a decision in relation to an updated application where a review has been carried out in relation to the original application or another updated application in relation to that original application.

Carrying out a review

72.—(1) If a request for a review is made in accordance with regulation 71, the collecting authority must review the decision.

(2) The review referred to in paragraph (1) must be carried out by a person senior to the person making the original decision and who had no involvement with the original decision.

(3) In making a decision on a review under regulation 71(1)(a) or (b), the collecting authority may—

(a) confirm the levy liability amount specified in a levy liability notice or a revision to a levy liability notice, or

(b) either—

(i) calculate a revised levy liability amount in relation to the building control application, or

(ii) determine that no building safety levy is chargeable in relation to the building control application.

(4) In making a decision on a review under regulation 71(1)(c) the collecting authority may—

(a) confirm the refund amount,

(b) calculate a new refund amount under regulation 65 or 66 in relation to the building control application, or

(c) determine or confirm that no refund is payable in relation to the building control application.

(5) Before the end of the period of 28 days beginning with the date on which the request for review is received, the collecting authority must notify the named client of its decision on the review and the reasons for that decision, and regulations 37, 53, 54, 65, 66 or, as the case may be, 67 apply to the new decision as they applied to the original decision.

Appeal against decision on a review

73.—(1) A person who has requested a review under regulation 71 may appeal to the First-tier Tribunal—

(a) against the collecting authority's decision on the review;

(b) if the collecting authority fails to notify the person of the decision on the review within the period specified in regulation 72(5), against the decision or determination to which the review relates.

(2) An appeal may not be made after the end of period of 28 days beginning with the day after—

(a) the day on which the collecting authority notifies the person of the decision under regulation 72(5), or

(b) in a case within paragraph (1)(b), the day on which the period specified in regulation 72(5) expires.

(3) The grounds on which an appeal may be made are that—

(a) the decision was based on an error of fact, or

(b) the decision was wrong in law.

(4) On an appeal the First-tier Tribunal may—

(a) confirm the decision of the collecting authority, or

(b) substitute for that decision another decision (the "new decision") as to the amount of building safety levy chargeable in relation to the building control application or refund amount in relation to the application.

(5) Where the First-tier Tribunal substitutes a decision under paragraph (4)(b), then regulations 37, 53, 54, 65, 66 or, as the case may be, 67 apply to the new decision as they applied to the original decision.

PART 13

SECRETARY OF STATE REVIEW OF REGULATIONS

Secretary of State review of building safety levy

74.—(1) The Secretary of State must carry out reviews of—

(a) the operation of these Regulations, and

(b) the area rates specified in Schedule 3.

(2) After each review, the Secretary of State must publish a report of the review.

(3) The first report must be published before the end of the period of 3 years beginning with the day on which this regulation comes into force.

(4) Subsequent reports must be published at intervals not exceeding 3 years.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Samantha Dixon
Parliamentary Under Secretary of State for Building Safety, Fire and Democracy
Ministry of Housing, Communities and Local Government

19th November 2025

SCHEDULES

SCHEDULE 1

Regulation 7(2)

Exempt buildings

Exempt buildings: general

1.—(1) A building is an "exempt building" if it is designed or adapted (or is in the process of being constructed or adapted) for use primarily as—

(a) school accommodation,

(b) a care home,

(c) a secure residential institution or other premises for the supervision and rehabilitation of persons charged with or convicted of offences,

(d) a hospital,

(e) accommodation for victims of domestic abuse,

(f) a children's home, residential family centre or supported accommodation for children;

(g) a hotel or hostel,

(h) a monastery, nunnery, seminary or similar establishment,

(i) an almshouse, or

(j) temporary accommodation for homeless people.

(2) Paragraphs 2 to 8 apply for the purposes of this paragraph.

School accommodation

2.—(1) "School accommodation" means residential accommodation provided by a school for the use of its students.

(2) "School" has the meaning given in section 4 of the Education Act 1996(**a**).

Care homes

3. "Care home" has the meaning given in section 3 of the Care Standards Act 2000(**b**).

Secure residential institutions

4. "Secure residential institution" means an institution used for the provision of secure residential accommodation, including as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre or secure local authority accommodation.

(**a**) 1996 c. 56. Section 4 is amended by sections 51 and 57 of the Education Act 1997 (c. 44), section 216(4) of the Education Act 2002 (c. 32), section 95 of the Childcare Act 2006 (c. 21), S.I. 2010/1080, section 82 of the Education Act 2011 (c. 21) and S.I. 2019/1027.

(**b**) 2000 c. 14. Section 3 is amended by sections 95 and 170 of the Health and Social Care Act 2008 (c. 14) and section 188 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2).

Hospitals

5. "Hospital" means an institution which—

(a) is a hospital within the meaning of section 275 of the National Health Service Act 2006(**a**), and

(b) has at least one bed intended for an overnight stay of a patient admitted to the institution.

Accommodation for victims of domestic abuse

6. "Accommodation for victims of domestic abuse" means accommodation of the description specified in regulation 2(2) of the Domestic Abuse Support (Relevant Accommodation and Housing Benefit and Universal Credit Sanctuary Schemes) (Amendment) Regulations 2021(**b**).

Children's homes, residential family centres and supported accommodation for children

7.—(1) The following terms have the same meaning as in the Care Standards Act 2000(**c**)—

"children's home";

"residential family centre".

(2) "Supported accommodation for children" means accommodation that is within the definition of supported accommodation in regulation 2 of the Care Standards Act 2000 (Extension of the Application of Part 2 to Supported Accommodation) (England) Regulations 2022(**d**).

Temporary accommodation for homeless people

8. "Temporary accommodation for homeless people" means accommodation the availability for occupation of which is secured under Part 7 of the Housing Act 1996(**e**).

SCHEDULE 2

Regulation 8(2)

Ordinary residential dwellings: exemptions

PART 1

Social housing

"Social housing": general

1. A dwelling is "social housing" if it satisfies at least one of conditions 1 to 4.

Condition 1

2. Condition 1 is that—

(a) the dwelling is let by a registered provider of social housing on one of the following—

(**a**) 2006 c. 41.
(**b**) S.I. 2021/991.
(**c**) 2000 c. 14. For the definitions of "children's home" and "residential family centre" see sections 1 and 4(2) of that Act. Section 1 was amended by paragraphs 1 and 2 of Schedule 5 to the Health and Social Care Act 2008 (c. 14) and paragraphs 1 and 2 of Schedule 3 to the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2). Section 4(2) was amended by paragraph 4 of Schedule 3 to the 2016 Act.
(**d**) S.I. 2022/808.
(**e**) 1996 c. 52.

(i) a demoted tenancy,

(ii) an introductory tenancy,

(iii) a secure tenancy,

(iv) an arrangement that would be a secure tenancy but for paragraph 4ZA or 12 of Schedule 1 to the Housing Act 1985(**a**),

(v) an assured tenancy, including an assured shorthold tenancy,

(vi) an assured agricultural occupancy,

(vii) an arrangement that would be an assured tenancy or an assured agricultural occupancy but for paragraph 12(1)(h) or 12ZA of Schedule 1 to the Housing Act 1988(**b**), and

(b) either—

(i) the dwelling is one in relation to which the Rent Standard 2020(**c**) set under section 194(2A) of the Housing and Regeneration Act 2008(**d**) applies, or

(ii) if sub-paragraph (i) does not apply, the rent is no more than 80% of market rent, including service charges.

Condition 2

3.—(1) Condition 2 is that the following criteria are met—

(a) the dwelling is occupied in accordance with shared ownership arrangements within the meaning of section 70(4) of the Housing and Regeneration Act 2008,

(b) the percentage of the value of the dwelling paid as a premium on the day on which a lease is granted under the shared ownership arrangement does not exceed 75% of the market value (where the market value at any time is the price which the dwelling might reasonably be expected to fetch if sold at that time on the open market),

(c) on the day on which a lease is granted under the shared ownership arrangements, the annual rent payable is not more than 3% of the value of the unsold interest, and

(d) the restricted rent increase condition is met in respect of the lease.

(2) The restricted rent increase condition is met in respect of a lease if—

(a) the annual rent payable under the lease is not increased more than once in any 12 month period, and

(b) if the annual rent is increased with effect from a date within that period (the "rent increase date"), either—

(i) the percentage increase does not exceed the RPI increase for the reference period plus 0.5%, or

(ii) the percentage increase does not exceed the CPI increase for the reference period plus 1%.

(**a**) 1985 c. 68. Paragraph 4ZA of Schedule 1 was inserted by section 297 of the Housing and Regeneration Act 2018 (c. 17) and amended by paragraph 12 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12); paragraph 17 of Schedule 7 to the Housing and Planning Act 2016 (c. 22) and S.I. 2022/1166.

(**b**) 1988 c. 50. Paragraph 12(1)(h) was amended by section 137 of the Housing (Wales) Act 2014 (anaw 7) and S.I. 2022/1166. Paragraph 12ZA was inserted by section 297 of the Housing and Regeneration Act 2008 and amended by paragraph 20 of Schedule 11 to the Anti-Social Behaviour, Crime and Policing Act 2014 and S.I. 2010/844 and 2022/116.

(**c**) The Rent Standard 2020 was published by the Department in 2020. The Rent Standard is available at https://www.gov.uk/government/publications/rent-standard-2020 and is also available for inspection during office hours at the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

(**d**) 2008 c. 17. Section 194(2A) was inserted by paragraph 5 of Schedule 17 to the Localism Act 2011 (c. 20).

(3) In sub-paragraph (2)(b), the "reference period", in relation to a rent increase date, means a period of 12 months—

(a) beginning on the first day of a month specified in, or determined by reference to, the lease, and

(b) ending less than 12 months before the rent increase date.

(4) In this paragraph—

(a) "consumer prices index" means—

(i) the general index for consumer prices for all items published by the Statistics Board(**a**), or

(ii) if that index is not published for a particular month, any substituted index or index figures published by the Statistics Board;

(b) the "CPI increase", in relation to a reference period, means the percentage change in the consumer prices index for the period;

(c) "retail prices index" means—

(i) the general index of retail prices for all items published by the Statistics Board, or

(ii) if that index is not published for a particular month, any substituted index or index figures published by the Statistics Board;

(d) the "RPI increase", in relation to a reference period, means the percentage change in the retail prices index for the period.

Condition 3

4. Condition 3 is that—

(a) the dwelling is let by a person who is not a registered provider of social housing on one of the following—

(i) an assured tenancy, including an assured shorthold tenancy;

(ii) an assured agricultural occupancy;

(iii) an arrangement that would be an assured tenancy or an assured agricultural occupancy but for paragraph 12(1)(h) of Schedule 1 to the Housing Act 1988;

(iv) a demoted tenancy;

(v) an introductory tenancy;

(vi) a secure tenancy;

(vii) an arrangement that would be a secure tenancy but for paragraph 4ZA or 12 of Schedule 1 to the Housing Act 1985;

(b) the following criteria are met—

(i) the dwelling is let to a person whose needs are not adequately served by the commercial housing market, and

(ii) the rent is no more than 80% of market rent, including service charges, and

(c) a planning obligation designed to ensure compliance with both criteria at sub-paragraph (b) has been entered into in respect of the planning permission which permits the building work to which the building control application relates.

(**a**) The Statistics Board was established by section 1 of the Statistics and Registration Service Act 2007 (c. 18).

Condition 4

5. Condition 4 is that the following criteria are met—

(a) the first sale of the dwelling is for no more than 70% of its market value (where the market value at any time is the price that the dwelling might reasonably be expected to fetch if sold at that time on the open market), and

(b) a planning obligation has been entered into prior to the first sale of the dwelling designed to ensure that any subsequent sale of the dwelling is for no more than 70% of its market value.

Definitions

6. In this Part of this Schedule—

"assured agricultural occupancy", "assured shorthold tenancy" and "assured tenancy" have the same meanings as in Part 1 of the Housing Act 1988(**a**);

"demoted tenancy" means a tenancy to which section 20B of the Housing Act 1988(**b**) or section 143A of the Housing Act 1996(**c**) applies;

"introductory tenancy" has the same meaning as in Chapter 1 of Part 5 of the Housing Act 1996(**d**);

"market rent" means the rent which the lease might reasonably be expected to fetch at that time on the open market;

"planning obligation"means an obligation under section 106 of TCPA 1990;

"secure tenancy" has the same meaning as in Part 4 of the Housing Act 1985(**e**);

"unsold interest" means the freehold interest or the leasehold interest owned by the person providing the dwelling.

PART 2

Supported housing

Supported housing

7.—(1) Each of the following is "supported housing"—

(**a**) 1988 c. 50. For the meaning of "assured agricultural occupancy" see section 24 of that Act, which was amended by section 103 of the Housing Act 1996 (c. 52) ("the 1996 Act") and S.I. 1990/434. For the meaning of "assured shorthold tenancy" see sections 19A and 20 of the Housing Act 1988; section 19A was inserted by section 96 of the 1996 Act and section 20 was amended by Schedules 8 and 19 to that Act. For the meaning of "assured tenancy" see section 1 of the Housing Act 1988, which was amended by Schedule 19 to the 1996 Act, paragraph 4 of the Schedule to the Prevention of Social Housing Fraud Act 2013 (c. 3) and S.I. 1990/434 and 2022/1166.

(**b**) Section 20B was inserted by section 15 of the Anti-Social Behaviour Act 2003 (c. 38) and amended by section 163(1) of the Localism Act 2011 (c. 20) and S.I. 2010/866.

(**c**) Section 143A was inserted by paragraph 1 of Schedule 1 to the Anti-Social Behaviour Act 2003 (c. 38) and is amended by paragraph 25 of Schedule 7 to the Housing and Planning Act 2016 (c. 22) (not yet in force) and S.I. 2010/866 and 2022/1166.

(**d**) For the meaning of "introductory tenancy" see section 124, which is amended by paragraph 20 of Schedule 7 to the Housing and Planning Act 2016 (not yet in force) was amended by S.I. 2010/866 and 2022/1166 (not all amendments in the latter Regulations are in force).

(**e**) 1985 c. 68. For the meaning of "secure tenancy" see section 79 of that Act, which was amended by S.I. 2022/1166.

(a) accommodation which is provided by a body listed in sub-paragraph (2) where that body, or a person acting on its behalf, also provides a person resident in the accommodation with care, support or supervision;

(b) accommodation—

(i) which is provided by a body listed in sub-paragraph (2),

(ii) into which people are admitted in order to meet a need for care, support or supervision, and

(iii) where that person receives care, support or supervision.

(2) For the purposes of sub-paragraph (1) the bodies are—

(a) a local authority,

(b) a housing association,

(c) registered charity, or

(d) a voluntary organisation,

(3) In this paragraph—

"housing association" has the meaning given by section 1 of the Housing Associations Act 1985(**a**);

"registered charity" means a charity registered under the Charities Act 2011(**b**).

PART 3

Exempt accommodation

8.—(1) "Exempt accommodation" means—

(a) school accommodation,

(b) accommodation for victims of domestic abuse,

(c) supported accommodation for children,

(d) temporary accommodation for homeless people, or

(e) accommodation provided in—

(i) a care home,

(ii) a secure residential institution or other premises for the supervision and rehabilitation of persons charged with or convicted of offences,

(iii) a hospital,

(iv) a children's home or residential family centre,

(v) a hotel or hostel,

(vi) a monastery, nunnery, seminary or similar establishment, or

(vii) an almshouse.

(2) Terms used in sub-paragraph (1) have the same meaning as in Schedule 1.

(**a**) 1985 c. 69. Section 1 was amended by sections 1 and 3 of, and paragraph 6 of Schedule 2 to, the Housing (Scotland) Act 1988 (c. 43); paragraph 36 of Schedule 4 to the Co-operative and Community Benefit Societies Act 2014 (c. 14) and S.I. 1996/2325.

(**b**) 2011 c. 25.

SCHEDULE 3

Regulation 20

Area Rates

Table 1

Local authority area	Previously developed land area rate (£)	Non-previously developed land area rate (£)
Adur	19.45	38.91
Amber Valley	10.56	21.12
Arun	17.73	35.47
Ashfield	9.69	19.38
Ashford	16.99	33.98
Babergh	14.63	29.26
Barking and Dagenham	21.23	42.47
Barnet	31.68	63.35
Barnsley	8.30	16.60
Basildon	18.02	36.04
Basingstoke and Deane	19.10	38.20
Bassetlaw	8.97	17.93
Bath and North East Somerset	19.60	39.20
Bedford	17.11	34.23
Bexley	24.00	48.00
Birmingham	14.62	29.23
Blaby	14.23	28.47
Blackburn with Darwen	7.28	14.55
Blackpool	7.78	15.57
Bolsover	9.60	19.20
Bolton	10.07	20.15
Boston	10.50	21.00
Bournemouth, Christchurch and Poole	17.65	35.29
Bracknell Forest	19.88	39.76
Bradford	8.73	17.45
Braintree	16.56	33.12

Local authority area	Previously developed land area rate (£)	Non-previously developed land area rate (£)
Breckland	12.21	24.42
Brent	32.35	64.69
Brentwood	23.29	46.58
Brighton and Hove	24.80	49.60
Bristol, City of	21.48	42.97
Broadland	14.95	29.89
Bromley	24.81	49.63
Bromsgrove	17.24	34.48
Broxbourne	20.35	40.70
Broxtowe	12.95	25.90
Buckinghamshire	19.39	38.78
Burnley	6.80	13.60
Bury	12.14	24.29
Calderdale	8.06	16.12
Cambridge	25.44	50.87
Camden	43.56	87.12
Cannock Chase	12.78	25.57
Canterbury	18.19	36.38
Castle Point	16.85	33.70
Central Bedfordshire	17.00	34.01
Charnwood	13.56	27.12
Chelmsford	18.16	36.32
Cheltenham	15.67	31.35
Cherwell	16.78	33.56
Cheshire East	12.39	24.77
Cheshire West and Chester	12.42	24.85
Chesterfield	9.38	18.75
Chichester	19.99	39.98
Chorley	10.14	20.27
City of London	43.52	87.04
Colchester	16.37	32.74

Local authority area	Previously developed land area rate (£)	Non-previously developed land area rate (£)
Cornwall	14.79	29.58
Cotswold	20.55	41.10
County Durham	6.35	12.70
Coventry	13.79	27.58
Crawley	20.70	41.40
Croydon	26.01	52.03
Cumberland	7.31	14.63
Dacorum	24.10	48.19
Darlington	7.69	15.38
Dartford	18.64	37.28
Derby	11.21	22.42
Derbyshire Dales	14.51	29.02
Doncaster	8.66	17.32
Dorset	17.24	34.48
Dover	15.19	30.38
Dudley	14.09	28.17
Ealing	33.24	66.47
East Cambridgeshire	13.28	26.57
East Devon	17.03	34.06
East Hampshire	20.09	40.18
East Hertfordshire	20.98	41.95
East Lindsey	10.07	20.14
East Riding of Yorkshire	9.92	19.85
East Staffordshire	10.87	21.75
East Suffolk	13.99	27.97
Eastbourne	18.80	37.61
Eastleigh	16.97	33.95
Elmbridge	21.08	42.17
Enfield	22.06	44.13
Epping Forest	23.09	46.18
Epsom and Ewell	28.31	56.62

Local authority area	Previously developed land area rate (£)	Non-previously developed land area rate (£)
Erewash	11.86	23.72
Exeter	16.17	32.35
Fareham	18.03	36.05
Fenland	10.62	21.23
Folkestone and Hythe	15.04	30.07
Forest of Dean	14.83	29.66
Fylde	10.88	21.77
Gateshead	7.97	15.93
Gedling	11.78	23.56
Gloucester	14.42	28.83
Gosport	16.19	32.37
Gravesham	18.23	36.46
Great Yarmouth	11.12	22.24
Greenwich	27.16	54.33
Guildford	23.07	46.15
Hackney	35.75	71.51
Halton	10.52	21.04
Hammersmith and Fulham	45.94	91.87
Harborough	14.74	29.47
Haringey	33.33	66.66
Harlow	19.87	39.75
Harrow	29.94	59.88
Hart	23.06	46.13
Hartlepool	6.41	12.82
Hastings	15.11	30.21
Havant	17.41	34.83
Havering	23.84	47.68
Herefordshire, County of	13.47	26.94
Hertsmere	23.69	47.37
High Peak	13.72	27.43
Hillingdon	27.33	54.66

Local authority area	Previously developed land area rate (£)	Non-previously developed land area rate (£)
Hinckley and Bosworth	13.39	26.79
Horsham	20.79	41.57
Hounslow	29.15	58.29
Huntingdonshire	14.56	29.12
Hyndburn	7.41	14.83
Inner Temple	43.52	87.04
Ipswich	12.79	25.58
Isle of Wight	14.71	29.42
Isles of Scilly	14.79	29.58
Islington	39.52	79.04
Kensington and Chelsea	50.17	100.35
King's Lynn and West Norfolk	10.58	21.16
Kingston upon Hull, City of	8.29	16.58
Kingston upon Thames	28.84	57.68
Kirklees	8.44	16.88
Knowsley	9.95	19.91
Lambeth	30.77	61.54
Lancaster	10.22	20.44
Leeds	12.29	24.57
Leicester	13.64	27.29
Lewes	20.07	40.13
Lewisham	27.42	54.84
Lichfield	15.29	30.58
Lincoln	11.06	22.12
Liverpool	10.81	21.61
Luton	19.22	38.44
Maidstone	17.58	35.15
Maldon	16.90	33.81
Malvern Hills	14.78	29.56
Manchester	14.22	28.44
Mansfield	9.12	18.23

Local authority area	Previously developed land area rate (£)	Non-previously developed land area rate (£)
Medway	16.12	32.24
Melton	11.96	23.93
Merton	29.51	59.02
Mid Devon	13.49	26.98
Mid Suffolk	14.26	28.53
Mid Sussex	20.12	40.23
Middle Temple	43.52	87.04
Middlesbrough	6.80	13.59
Milton Keynes	15.32	30.63
Mole Valley	22.50	44.99
New Forest	18.51	37.01
Newark and Sherwood	11.58	23.16
Newcastle upon Tyne	9.85	19.71
Newcastle-under-Lyme	9.89	19.79
Newham	23.61	47.23
North Devon	14.42	28.84
North East Derbyshire	11.07	22.14
North East Lincolnshire	6.88	13.76
North Hertfordshire	18.45	36.90
North Kesteven	11.65	23.29
North Lincolnshire	8.48	16.95
North Norfolk	14.22	28.44
North Northamptonshire	12.98	25.97
North Somerset	16.09	32.18
North Tyneside	10.22	20.45
North Warwickshire	12.26	24.51
North West Leicestershire	11.28	22.55
North Yorkshire	12.44	24.88
Northumberland	8.39	16.77
Norwich	15.31	30.63
Nottingham	11.77	23.55

Local authority area	Previously developed land area rate (£)	Non-previously developed land area rate (£)
Nuneaton and Bedworth	12.14	24.28
Oadby and Wigston	12.76	25.52
Oldham	10.27	20.53
Oxford	23.62	47.24
Pendle	6.55	13.11
Peterborough	13.36	26.73
Plymouth	12.06	24.13
Portsmouth	15.52	31.05
Preston	7.59	15.19
Reading	21.89	43.77
Redbridge	28.51	57.02
Redcar and Cleveland	8.19	16.39
Redditch	14.76	29.51
Reigate and Banstead	21.88	43.76
Ribble Valley	12.16	24.32
Richmond upon Thames	36.60	73.20
Rochdale	11.47	22.95
Rochford	18.21	36.42
Rossendale	8.75	17.51
Rother	16.95	33.91
Rotherham	9.11	18.22
Rugby	14.09	28.19
Runnymede	22.86	45.71
Rushcliffe	14.61	29.23
Rushmoor	19.41	38.81
Rutland	15.59	31.17
Salford	15.18	30.35
Sandwell	12.46	24.92
Sefton	10.83	21.66
Sevenoaks	21.08	42.15
Sheffield	11.88	23.76

Local authority area	Previously developed land area rate (£)	Non-previously developed land area rate (£)
Shropshire	12.34	24.68
Slough	21.41	42.83
Solihull	17.56	35.12
Somerset	14.23	28.45
South Cambridgeshire	18.98	37.95
South Derbyshire	11.23	22.46
South Gloucestershire	17.77	35.54
South Hams	15.71	31.42
South Holland	11.39	22.79
South Kesteven	12.24	24.47
South Norfolk	14.42	28.84
South Oxfordshire	21.18	42.37
South Ribble	10.06	20.13
South Staffordshire	14.77	29.53
South Tyneside	8.23	16.45
Southampton	16.13	32.27
Southend-on-Sea	19.12	38.24
Southwark	28.47	56.93
Spelthorne	25.81	51.62
St Albans	24.77	49.55
St. Helens	10.37	20.73
Stafford	12.29	24.58
Staffordshire Moorlands	11.05	22.09
Stevenage	21.73	43.46
Stockport	15.34	30.69
Stockton-on-Tees	7.35	14.70
Stoke-on-Trent	8.28	16.56
Stratford-on-Avon	16.03	32.05
Stroud	15.75	31.50
Sunderland	7.13	14.26
Surrey Heath	23.39	46.78

Local authority area	Previously developed land area rate (£)	Non-previously developed land area rate (£)
Sutton	27.52	55.03
Swale	15.86	31.72
Swindon	13.53	27.06
Tameside	11.90	23.80
Tamworth	11.92	23.84
Tandridge	22.00	44.00
Teignbridge	14.89	29.78
Telford and Wrekin	12.18	24.37
Tendring	12.40	24.80
Test Valley	18.17	36.34
Tewkesbury	16.00	32.01
Thanet	15.78	31.56
Three Rivers	27.20	54.39
Thurrock	19.31	38.62
Tonbridge and Malling	21.06	42.12
Torbay	13.26	26.52
Torridge	13.86	27.73
Tower Hamlets	30.60	61.20
Trafford	19.92	39.83
Tunbridge Wells	19.62	39.25
Uttlesford	18.12	36.25
Vale of White Horse	18.51	37.01
Wakefield	10.04	20.08
Walsall	12.74	25.47
Waltham Forest	29.98	59.97
Wandsworth	34.25	68.50
Warrington	12.94	25.88
Warwick	17.82	35.65
Watford	25.14	50.29
Waverley	22.43	44.85
Wealden	17.88	35.77

Local authority area	Previously developed land area rate (£)	Non-previously developed land area rate (£)
Welwyn Hatfield	22.79	45.57
West Berkshire	19.95	39.90
West Devon	14.80	29.61
West Lancashire	10.53	21.06
West Lindsey	9.29	18.58
West Northamptonshire	13.84	27.69
West Oxfordshire	17.54	35.08
West Suffolk	14.82	29.64
Westminster	49.01	98.01
Westmorland and Furness	9.90	19.79
Wigan	10.11	20.22
Wiltshire	15.80	31.61
Winchester	21.63	43.26
Windsor and Maidenhead	21.09	42.17
Wirral	11.12	22.23
Woking	24.27	48.54
Wokingham	22.49	44.98
Wolverhampton	12.21	24.41
Worcester	14.87	29.74
Worthing	18.66	37.33
Wychavon	16.52	33.05
Wyre	8.93	17.86
Wyre Forest	13.27	26.55
York	15.81	31.61

SCHEDULE 4

Regulation 23

Named client

Named client in relation to building control applications with full plans or related updated application

1.—(1) This paragraph applies in relation to a building control application which is—

(a) an application for building control approval with full plans, or

(b) an updated application in relation to an application for building control approval with full plans.

(2) Except where sub-paragraph (3) applies, the named client is—

(a) the person named in the relevant application as the client under regulation 14(1)(b) of the 2010 Regulations, or

(b) if no person is named in the relevant application under regulation 14(1)(b), the applicant named under regulation 14(1)(a) of the 2010 Regulations.

(3) If, after the relevant application is made, a person gives notice to a local authority or the regulator under regulation 11O(2) of the 2010 Regulations in relation to the building work to which the application relates, the named client is—

(a) the person named as the new client in that notice, or

(b) if more than one notice is given, the person named as the new client in the latest of those notices.

(4) For the purposes of sub-paragraph (3), "relevant application" means—

(a) in a case within sub-paragraph (1)(a), references to the application for building control approval with full plans, and

(b) in a case within sub-paragraph (1)(b), references to the variation application in relation to the updated application.

Named client in relation to initial notice or related updated application

2.—(1) This paragraph applies in relation to a building control application which is—

(a) an initial notice, or

(b) an updated application in relation to an initial notice.

(2) The named client is—

(a) the person named as the client under paragraph 3 of Form 1 (as read with note (4)) or paragraph 3 of Form 4 (as read with note (5)) in Schedule 1 to the RBCA Regulations,

(b) if paragraph 1(j) of the Annex to Form 2 in Schedule 1 to the RBCA Regulations applies, the person named as the named client in the building safety levy information provided with an amendment notice whether or not the amendment notice is rejected,

(c) if regulation 15(2B) of the RBCA Regulations applies, the person named as the named client in the statement required by that regulation whether or not the notice under regulation 15(2) of the RBCA Regulations is rejected,

(d) if a levy update notice is given in relation to the initial notice, the person named as the named client in that notice,

(e) if paragraph 16 of Form 5 in Schedule 1 to the RBCA Regulations requires details of the client to be provided, the person named as the client in the final certificate whether or not the final certificate is rejected,

(f) if a notice is given under section 51C of the 1984 Act by a person who now proposes to carry out the work, the person named as the client under paragraph 2 of Form 8 (as read with note (2)) in Schedule 1 to the RBCA Regulations,

(g) if a notice has been given under sub-paragraph (3), the person named as the named client in that notice, or

(h) if more than one notice or certificate referred to in paragraph (b) to (g) has been given, the person named as the new client in the latest of those notices or certificates.

(3) If a new person (NP) becomes the client in relation to building work to which a building control application referred to in sub-paragraph (1) relates, then NP may give a notice, signed by them, to the collecting authority which—

(a) states that the person giving the notice is now the named client in relation to the building control application;

(b) identifies the building control application to which the notice relates;

(c) sets out the contact information for the new named client.

(4) In sub-paragraphs (2)(f) and (3), "the client" has the meaning given in regulation 2 of the 2010 Regulations.

Named client in relation to higher-risk building application or related updated application

3.—(1) This paragraph applies in relation to—

(a) a building control application which is a higher-risk building application, and

(b) an updated application in relation to a higher-risk building application.

(2) Except where sub-paragraph (3) applies, the named client is—

(a) in the case of a building control approval application for HRB work, the person named as the client under regulation 4(1)(a) of the HRB Regulations,

(b) in the case of a building control approval application for a stage of HRB work, the person named as the client under regulation 4(1)(a) and (3)(a) of the HRB Regulations,

(c) in the case of a building control approval application for work to existing HRB, the person named as the client under regulation 12(1)(a) of the HRB Regulations, or

(d) in the case of an updated application, the person named as the client under regulation 21(1)(a) of the HRB Regulations.

(3) If a person gives notice to the regulator under regulation 27(2) of the HRB Regulations in relation to the building work to which the application relates, the named client is—

(a) the person named as the new client in that notice, or

(b) if more than one notice is given, the person named as the new client in the latest of those notices.

SCHEDULE 5

Regulations 29, 44 and 60

RBCA Regulations: substituted forms

The following Forms 1, 2, 4 and 5 are substituted for the corresponding forms in Schedule 1 to the RBCA Regulations.

Form 1

Section 47 of the Building Act 1984

The Building (Registered Building Control Approvers etc.) (England) Regulations 2024

INITIAL NOTICE

To: **(1)**

1. This notice relates to the following work: **(2)**

2. The registered building control approver in relation to the work is: **(3)**

3. The person intending to carry out the work is: **(4)**

4. The work [does][does not] **(5)** concern a new dwelling**. (6)**

5. With this notice are the following documents, which are those relevant to the work described in this notice **(7)**—

(a) in the case of the erection or extension of a building, a plan to a scale of not less than 1:1250 showing the boundaries and location of the site and, where the work includes the construction of a new drain or private sewer, a statement—

(i) as to the appropriate location of any proposed connection to be made to a sewer, or

(ii) if no connection is to be made to a sewer, as to the proposals for the discharge of the proposed drain or private sewer including the location of any septic tank and associated secondary treatment system, or of any wastewater treatment system or any cesspool;

(b) in the case of a new dwelling—

(i) a statement whether or not one or more, and if so which, of the following optional requirements applies to the building work—

(aa) regulation 36(2)(b) (optional water efficiency requirement of 110 litres per person per day) of the Building Regulations 2010,

(bb) requirement M4(2) (category 2 - accessible and adaptable dwellings) of Schedule 1 to the Building Regulations 2010,

(cc) requirement M4(3) (category 3 - wheelchair user dwellings) of Schedule 1 to the Building Regulations 2010, or

(ii) a statement that planning permission has not yet been granted for the work, and that the information required by paragraph (i) will be supplied as soon as is reasonably practicable after that permission is granted **(8)**;

(c) a statement of any local enactment relevant to the work, and of the steps to be taken to comply with it;

(d) in the case of the erection of a dwelling, or a building that is to contain one or more dwellings—

(i) a statement giving details of any public electronic communications network in relation to which a connection is to be provided,

(ii) if an exemption in regulation 44ZB of the Building Regulations 2010 is proposed to be relied on, a statement giving details in support of the exemption,

(iii) if regulation 44ZC of the Building Regulations 2010 is proposed to be relied on, a statement giving details of the matters mentioned in regulation 44ZC(6)(a) and (b) of those Regulations and, if paragraph RA1(1)(c)(i) or (ii) of Schedule 1 to those Regulations is also proposed to be relied on, evidence of the steps taken to establish whether, and if so where, a distribution point for a gigabit-capable public electronic communications network (as defined by regulation 44C of those Regulations) is likely to be installed, in a location relevant for the purposes of paragraph RA1(1)(c) of that Schedule, within the period of two years beginning with the day on which the notice is given;

(e) a statement setting out—

(i) the date when it is proposed the work will reach the point when it is to be regarded as commenced in accordance with regulation 16 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024; and

(ii) where the work does not consist of work to which paragraph (2) or (3) of regulation 16 of those Regulations applies, details of the work which the client considers amounts to 15% of the proposed work;

(f) if the work relates to the provision of one or more dwellings, or one or more bedspaces in purpose-built student accommodation, and the building which consists of or contains the dwellings or bedspaces is a residential building (as defined in regulation 7 of the BSL Regulations), the building safety levy information listed in the Annex to this form.

6. (9) hereby declares it does not, and will not while this notice is in force, have any professional or financial interest in the work described. **(10)**

7. The registered building control approver [will][will not] **(11)** be obliged to consult the fire and rescue authority by regulation 9 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024.

8. [**(9)** hereby undertakes to consult the fire and rescue authority before giving—

(a) a plans certificate in accordance with section 50 of the Building Act 1984, or

(b) a final certificate in accordance with section 51 of that Act,

in respect of any of the work described above.] **(12)**

9. The registered building control approver [will][will not] **(13)** be obliged to consult the sewerage undertaker by regulation 10 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024.

10. [**(9)** hereby undertakes to consult the sewerage undertaker before giving—

(a) a plans certificate in accordance with section 50 of the Building Act 1984, or

(b) a final certificate in accordance with section 51 of that Act,

in respect of any of the work described above.] **(12)**

11. (9) hereby confirms—

(a) it is a registered building control approver for the purposes of Part 2 of the Building Act 1984 and that the work described in this notice is within the scope of its registration;

(b) it is aware of the obligations imposed on it by Part 2 of the Building Act 1984 and by regulation 4 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024;

(c) none of the work to which this notice relates is higher-risk building work;

(d) the building to which the work relates [is][will be][is not][will not be]**(14)** an FSO building;

(e) [it has obtained advice from **(15)**, a registered building inspector, before submitting this notice.]**(16)**

Signature	Signature
On behalf of **(9)**	On behalf of **(17)**
Date	Date

ANNEX: THE BUILDING SAFETY LEVY INFORMATION

1. The "building safety levy information" is—

(a) a statement as to whether the applicable work relates to development—

(i) for which planning permission is required, or

(ii) to which section 33 of the Planning Act 2008 applies,

(b) in a case where planning permission is required, also one of the following statements—

(i) a statement that the planning permission has been granted, together with information identifying the permission,

(ii) a statement that an application for planning permission has been made but not yet determined, together with information identifying the application for planning permission,

(iii) a statement that an application for planning permission has not yet been made,

(iv) a statement that the planning permission is subject to prior approval and the prior approval requirement is satisfied, together with information identifying the prior approval and how the prior approval requirement is satisfied,

(v) a statement that the planning permission is subject to prior approval and a prior approval application has been made but the prior approval requirement is not yet satisfied, together with information identifying the prior approval application,

(vi) a statement that the planning permission is subject to prior approval and a prior approval application has not yet been made,

but where the planning permission expressly provides for the development to be carried out in phases the references in paragraphs (i), (ii) and (iii) to the planning permission is a reference to the planning permission for the particular phase or phases of the development to which the initial notice relates;

(c) in a case where planning permission is required or section 33 of the Planning Act 2008 applies, a statement as to whether the building work to which the initial notice relates is, or is anticipated to be, major residential development or is part of a wider development which is, or is anticipated to be, major residential development;

(d) the number of dwellings (if any) that would be provided as a result of the building work to which the initial notice relates;

(e) if purpose-built student accommodation would be provided as a result of the building work to which the initial notice relates, the number of bedspaces that would be contained in the purpose-built student accommodation;

(f) if the initial notice is given by a person on behalf of the client, a statement signed by the client confirming that the information provided under sub-paragraphs (a) to (e) is accurate.

2. In paragraph 1, the prior approval requirement is satisfied, in relation to a development, if the outcome of the prior approval application is that—

(a) prior approval is given or is deemed to be given, or

(b) the local planning authority has determined prior approval is not required, and local planning authority has the meaning given in section 336 of TCPA 1990.

3. In paragraph 1, "applicable work" means—

(a) the building work to which the initial notice relates, but

(b) where the building work is part of a wider development, all the work included in that development.

NOTES

(1): Name and address of local authority.

(2): Location and description of the work, including the use of any building to which the work relates.

(3): Name, address, telephone number and (if available) email address of the registered building control approver.

(4): Name, address, telephone number and (if available) email address of the person intending to carry out the work, and if that person is not the client also the name, address, telephone number and (if available) email address of the client.

(5): Delete as appropriate.

(6): A new dwelling includes a dwelling that is formed by a material change of use of a building (within the meaning of regulation 5(a), (b) or (g) of the Building Regulations 2010).

(7): The local authority may reject this notice on grounds set out in Schedule 2 to the Building (Registered Building Control Approvers etc.) (England) Regulations 2024. The grounds include failure to provide relevant documents. The documents listed in paragraph 5 relevant to the work described must therefore be sent with this notice. Delete any sub-paragraph of paragraph 5 that does not apply.

(8): The information may be supplied in an amendment notice given in accordance with section 51A of the Building Act 1984.

(9): Name of the registered building control approver.

(10): *See* regulation 3 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 for the requirements as to professional and financial interests.

(11): Delete as appropriate. *See* regulation 9 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 for the requirements as to consultation with the fire and rescue authority. If the approver is required to consult the fire and rescue authority the declaration in paragraph 8 must be made.

(12): Delete this statement if it does not apply.

(13): Delete as appropriate. *See* regulation 10 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 for the requirements as to consultation with the sewerage undertaker. If the approver is required to consult the sewerage authority the declaration in paragraph 10 must be made.

(14): Delete as appropriate. *See* regulation 9 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 for the definition of FSO building.

(15): Name of the registered building inspector.

(16): Delete this statement where the registered building control approver is itself a registered building inspector.

(17): Name of person intending to carry out the work.

Form 2

Section 51A of the Building Act 1984

The Building (Registered Building Control Approvers etc.) (England) Regulations 2024

AMENDMENT NOTICE

To: **(1)**

1. This notice amends the initial notice, a copy of which accompanies this notice.

2. The notice amends the work to which the initial notice relates in the following manner: **(2)**

3. The work [does][does not] **(3)** concern a new dwelling**. (4)**

4. With this notice are the following documents, which are those relevant to the work described in this notice **(5)**—

(a) a copy of the original notice;

(b) either—

(i) a statement to the effect that all plans submitted with the original initial notice remain unchanged, or

(ii) all amended plans, and a statement that any plans not included remain unchanged;

(c) in the case of the erection or extension of a building, a plan to a scale of not less than 1:1250 showing the boundaries and location of the site and, where the work includes the construction of a new drain or private sewer, a statement—

(i) as to the appropriate location of any proposed connection to be made to a sewer, or

(ii) if no connection is to be made to a sewer, as to the proposals for the discharge of the proposed drain or private sewer including the location of any septic tank and associated secondary treatment system, or of any wastewater treatment system or any cesspool;

(d) in the case of a new dwelling—

(i) a statement whether or not one or more, and if so which, of the following optional requirements applies to the building work as varied—

(aa) regulation 36(2)(b) (optional water efficiency requirement of 110 litres per person per day) of the Building Regulations 2010,

(bb) requirement M4(2) (category 2 - accessible and adaptable dwellings) of Schedule 1 to the Building Regulations 2010,

(cc) requirement M4(3) (category 3 - wheelchair user dwellings) of Schedule 1 to the Building Regulations 2010, or

(ii) a statement that planning permission has not yet been granted for the work, and that the information required by paragraph (i) will be supplied as soon as is reasonably practicable after that permission is granted **(6)**;

(e) a statement of any local enactment relevant to the work, and of the steps to be taken to comply with it;

(f) in the case of the erection of a dwelling, or a building that is to contain one or more dwellings—

(i) a statement giving details of any public electronic communications network in relation to which a connection is to be provided,

(ii) if an exemption in regulation 44ZB of the Building Regulations 2010 is proposed to be relied on, a statement giving details in support of the exemption, and

(iii) if regulation 44ZC of the Building Regulations 2010 is proposed to be relied on, a statement giving details of the matters mentioned in regulation 44ZC(6)(a) and (b) of those Regulations and, if paragraph RA1(1)(c)(i) or (ii) of Schedule 1 to those Regulations is also proposed to be relied on, evidence of the steps taken to establish whether, and if so where, a distribution point for a gigabit-capable public electronic communications network (as defined by regulation 44C of those Regulations) is likely to be installed, in a location relevant for the purposes of paragraph RA1(1)(c) of that Schedule, within the relevant 2-year period (as defined by paragraph RA1(3) of that Schedule);

(g) a statement setting out—

(i) the date when it is proposed the work will reach the point when it is to be regarded as commenced in accordance with regulation 16 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024, and

(ii) where the work does not consist of work to which paragraph (2) or (3) of regulation 16 of those Regulations applies, details of the work which the client considers amounts to 15% of the proposed work;

(h) if the amendment notice, together with the initial notice referred to in paragraph 1 is treated, for the purposes of regulation 42 of the Building Safety Levy (England) Regulations 2025, as an updated application and the building work, to which the updated application relates, relates to the provision of one or more dwellings, or one or more bedspaces in purpose-built student accommodation, and the building which consists of or contains the dwellings or bedspaces is a residential building (as defined in regulation 7 of the BSL Regulations), the building safety levy information, in relation to the updated application, listed in the Annex to this form.

5.(7) hereby declares it does not, and will not while this notice is in force, have any professional or financial interest in the work described. **(8)**

6. [**(7)** hereby declares it is satisfied that plans relating to the work described above have been submitted to it, and that they neither are defective nor show work which, if carried out in accordance with them, would contravene any provision of the building regulations.]**(9)**

7. The registered building control approver [will][will not] **(10)** be obliged to consult the fire and rescue authority by regulation 9 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024.

8. [**(7)** hereby undertakes to consult the fire and rescue authority before giving—

(a) a plans certificate in accordance with section 50 of the Building Act 1984, or

(b) a final certificate in accordance with section 51 of that Act,

in respect of any of the work described above.] **(9)**

9. The registered building control approver [will][will not] **(11)** be obliged to consult the sewerage undertaker by regulation 10 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024.

10. [**(7)** hereby undertakes to consult the sewerage undertaker before giving—

(a) a plans certificate in accordance with section 50 of the Building Act 1984, or

(b) a final certificate in accordance with section 51 of that Act,

in respect of any of the work described above.] **(9)**

11. (7) hereby confirms—

(a) it is a registered building control approver for the purposes of Part 2 of the Building Act 1984 and that the work described in this notice is within the scope of its registration;

(b) it is aware of the obligations imposed on it by Part 2 of the Building Act 1984 and by regulation 4 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024;

(c) none of the work to which this notice relates is higher-risk building work;

(d) the building to which the work relates [is][will be][is not][will not be]**(12)** an FSO building;

(e) [it has obtained advice from **(13)**, a registered building inspector, before submitting this notice.]**(14)**

Signature	Signature
On behalf of **(7)**	On behalf of **(15)**
Date	Date

ANNEX: THE BUILDING SAFETY LEVY INFORMATION

1. The "building safety levy information" referred to in paragraph 4(h) of the Form is—

(a) a statement as to whether the applicable work relates to development—

(i) for which planning permission is required, or

(ii) to which section 33 of the Planning Act 2008 applies,

(b) in a case where planning permission is required, also one of the following statements—

(i) a statement that the planning permission has been granted, together with information identifying the permission,

(ii) a statement that an application for planning permission has been made but not yet determined, together with information identifying the application for planning permission,

(iii) a statement that an application for planning permission has not yet been made,

(iv) a statement that the planning permission is subject to prior approval and the prior approval requirement is satisfied, together with information identifying the prior approval and how the prior approval requirement is satisfied,

(v) a statement that the planning permission is subject to prior approval and a prior approval application has been made but the prior approval requirement is not yet satisfied, together with information identifying the prior approval application,

(vi) a statement that the planning permission is subject to prior approval and a prior approval application has not yet been made,

but where the planning permission expressly provides for the development to be carried out in phases the references in paragraphs (i), (ii) and (iii) to the planning permission is a reference to the planning permission for the particular phase or phases of the development to which the initial notice, as varied, relates;

(c) in a case where planning permission is required or section 33 of the Planning Act 2008 applies, a statement as to whether the building work to which the initial notice, as varied, relates is, or is anticipated to be, major residential development or is part of a wider development which is, or is anticipated to be, major residential development;

(d) if the amendment notice is given on or after the day on which the first notice under regulation 15(2) of the Building (Registered Building Control Approvers etc.) (England)

Regulations 2024 is received in relation to the initial notice, then the information in sub-paragraph (a) and (b) is not required;

(e) the number of dwellings (if any) that would be provided as a result of the building work to which the initial notice, as varied, relates;

(f) if purpose-built student accommodation would be provided as a result of the building work to which the initial notice, as varied, relates, the number of bedspaces that would be contained in the purpose-built student accommodation;

(g) if the amendment notice is given on or after the day on which the first notice under regulation 15(2) of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 is received in relation to the initial notice, details of any levy determination notice given in respect of the initial notice (or the updated application comprising that initial notice and one or more variation applications);

(h) if the levy charging conditions are met, the information and evidence described in paragraph 2(a);

(i) if the levy charging conditions are not met, the information and evidence described in paragraph 2(b);

(j) if a new person (NP) has become the client in relation to the building work to which the initial notice, as varied, relates and details of NP have not already been given to the authority in an earlier amendment notice, levy update notice, a notice under regulation 15(2) of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 or a notice under paragraph 2(3) of Schedule 4 to the BSL Regulations, a statement explaining that NP is the named client and setting out the name, address, telephone number and, if available, email address of NP;

(k) if the amendment notice is given by a person on behalf of the client, a statement signed by the client confirming that the information provided under sub-paragraphs (a) to (j) is accurate.

2. For the purposes of paragraph 1—

(a) the information and evidence referred to in paragraph 1(h) is—

(i) a statement setting out the number of dwellings (if any) that would be provided as a result of the building work to which the initial notice, as varied, relates which are within any of sub-paragraphs (a) to (c) of regulation 8(1) of the BSL Regulations;

(ii) a statement setting out the levy charging information, in relation to the initial notice, as varied, in accordance with regulation 15A of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024;

(iii) in a case where regulation 15(2A) of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 has not applied to any notice under regulation 15(2), a statement which includes the applicable planning information within the meaning of regulation 15;

(iv) in any other case, a statement which confirms whether or not the applicable planning information previously provided continues to be correct and if it is not, the statement must include the applicable planning information as updated;

(v) evidence as to the matters described in sub-paragraph (a)(i) to (iv);

(b) the information and evidence referred to in paragraph 1(i) is—

(i) a statement—

(aa) in a case where the amendment notice is received on a day which is before the first notice under regulation 15(2) of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 is received in relation to the initial notice, which states that the first notice under regulation 15(2) of those Regulations was not given before the amendment notice was submitted;

(bb) in a case where the amendment notice is received on or after the day on which the first notice under regulation 15(2) of the Building (Registered Building

Control Approvers etc.) (England) Regulations 2024 is received and regulation 15(2A) did not apply to the notice under regulation 15(2) and has not applied to any notice under regulation 15(2), which—

(i) includes the applicable planning information within the meaning of regulation 15;

(ii) explains how the levy charging conditions are not met;

(cc) in any other case, which—

(i) confirms whether or not the applicable planning information provided in the first notice under regulation 15(2) of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 continues to be correct and if it is not, the statement must include the applicable planning information as updated;

(ii) explains how the levy charging conditions are not met;

(ii) evidence as to the matters described in sub-paragraph (b)(i)(bb) or, as the case may be, (b)(i)(cc).

3. In paragraphs 1 and 2, the "levy charging conditions" are—

(a) the amendment notice is received on or after the day on which the first notice under regulation 15(2) of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 is received in relation to the initial notice,

(b) the building work to which the initial notice, as varied, relates would result in a new building which includes residential floorspace, an existing building which includes residential floorspace where previously it had none (whether by extension or change of use), or an existing building with an increased total area of residential floorspace (whether by extension or change of use),

(c) the building work to which the initial notice, as varied, relates is, or is anticipated to be, major residential development or is part of a wider development which is, or is anticipated to be, major residential development, and

(d) the named client, or if there is more than one named client, each of them, in relation to the initial notice, as varied, relates is not an exempt person.

4. In paragraph 1, the prior approval requirement is satisfied, in relation to a development, if the outcome of the prior approval application is that—

(a) prior approval is given, or is deemed to be given, or

(b) the local planning authority has determined prior approval is not required, and local planning authority has the meaning given in section 336 of TCPA 1990.

5. In paragraph 1, "applicable work" means—

(a) the building work to which the initial notice, as varied, relates, but

(b) where the building work is part of a wider development, all the work included in that development.

NOTES

(1): Name and address of local authority.

(2): Location and description of the work, including the use of any building to which the new work relates.

(3): Delete as appropriate.

(4): A new dwelling includes a dwelling that is formed by a material change of use of a building within the meaning of regulation 5(a), (b) or (g) of the Building Regulations 2010).

(5): The local authority may reject this notice only on grounds set out in Schedule 2 to the Building (Registered Building Control Approvers etc.) (England) Regulations 2024. The grounds include failure to provide relevant documents. The documents listed in paragraph 4 relevant to the work described must therefore be sent with this notice. Delete any sub-paragraph of paragraph 4 that does not apply.

(6): The information may be supplied in a further amendment notice given in accordance with section 51A of the Building Act 1984.

(7): Name of the registered building control approver.

(8): *See* regulation 3 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 for the requirements as to professional and financial interests.

(9): Delete this statement if it does not apply.

(10): Delete as appropriate. *See* regulation 9 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 for the requirements as to consultation with the fire and rescue authority. If the approver is required to consult the fire and rescue authority the declaration in paragraph 8 must be made.

(11): Delete as appropriate. *See* regulation 10 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 for the requirements as to consultation with the sewerage undertaker. If the approver is required to consult the sewerage undertaker the declaration in paragraph 10 must be made.

(12): Delete as appropriate. *See* regulation 9 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 for the definition of FSO building.

(13): Name of the registered building inspector.

(14): Delete this statement where the registered building control approver is itself a registered building inspector.

(15): Name of person intending to carry out the work.

Form 4

Sections 47 and 50 of the Building Act 1984

The Building (Registered Building Control Approvers etc.) (England) Regulations 2024

COMBINED INITIAL NOTICE AND PLANS CERTIFICATE **(1)**

To: **(2)**

1. This notice relates to the following work: **(3)**

2. The registered building control approver in relation to the work is: **(4)**

3. The person intending to carry out the work is: **(5)**

4. The work [does][does not] **(6)** concern a new dwelling. **(7)**

5. With this notice are the following documents, which are those relevant to the work described in this notice **(8)—**

(a) in the case of the erection or extension of a building, a plan to scale of not less than 1:1250 showing the boundaries and location of the site and, where the work includes the construction of a new drain or private sewer, a statement—

(i) as to the approximate location of any proposed connection to be made to a sewer, or

(ii) if no connection is to be made to a sewer, as to the proposals for the discharge of the proposed drain or private sewer including the location of any septic tank and associated secondary treatment system, or of any wastewater treatment system or any cesspool;

(b) in the case of a new dwelling,

(i) a statement whether or not one or more, and if so which, of the following optional requirements applies to the building work—

(aa) regulation 36(2)(b) (optional water efficiency requirement of 110 litres per person per day) of the Building Regulations 2010,

(bb) requirement M4(2) (category 2 - accessible and adaptable dwellings) of Schedule 1 to the Building Regulations 2010,

(cc) requirement M4(3) (category 3 - wheelchair user dwellings) of Schedule 1 to the Building Regulations 2010, or

(ii) a statement that planning permission has not yet been granted for the work, and that the information required by paragraph (i) will be supplied as soon as is reasonably practicable after that permission is granted;

(c) a statement of any local enactment relevant to the work, and of the steps to be taken to comply with it;

(d) in the case of the erection of a dwelling, or a building that is to contain one or more dwellings—

(i) a statement giving details of any public electronic communications network in relation to which a connection is to be provided,

(ii) if an exemption in regulation 44ZB of the Building Regulations 2010 is proposed to be relied on, a statement giving details in support of the exemption, and

(iii) if regulation 44ZC of the Building Regulations 2010 is proposed to be relied on, a statement giving details of the matters mentioned in regulation 44ZC(6)(a) and (b) of those Regulations and, if paragraph RA1(1)(c)(i) or (ii) of Schedule 1 to those Regulations is also proposed to be relied on, evidence of the steps taken to establish whether, and if so where, a distribution point for a gigabit-capable public electronic communications network (as defined by regulation 44C of those Regulations) is likely to be installed, in a location relevant for the purposes of paragraph RA1(1)(c), within the period of two years beginning with the day on which the notice is given;

(e) a statement setting out—

(i) the date when it is proposed the work will reach the point when it is to be regarded as commenced in accordance with regulation 16 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024; and

(ii) where the work does not consist of work to which paragraph (2) or (3) of regulation 16 of those Regulations applies, details of the work which the client considers amounts to 15% of the proposed work;

(f) if the work relates to the provision of one or more dwellings, or one or more bedspaces in purpose-built student accommodation, and the building which consists of or contains the dwellings or bedspaces is a residential building (as defined in regulation 7 of the BSL Regulations), the building safety levy information listed in the Annex to this form.

6. (9) hereby declares it has had no professional or financial interest **(10)** in the work described.**(11)**

7. (9) hereby confirms—

(a) plans of the work specified above have been submitted to it, and

(b) it is satisfied that the plans neither are defective nor show that work carried out in accordance with them would contravene any provision of building regulations.

8. The registered building control approver [is][is not] **(12)** obliged to consult the fire and rescue authority by regulation 9 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024.

9. [**(9)** hereby confirms it has consulted the fire and rescue authority in accordance with regulation 10 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024.] **(11)**

10. [**(9)** hereby undertakes to consult the fire and rescue authority before giving a final certificate in accordance with section 51 of the Building Act 1984 in respect of any of the work described above.] **(11)**

11. The registered building control approver [is][is not] **(13)** obliged to consult the sewerage undertaker by regulation 9 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024.

12. [**(9)** hereby confirms it has consulted the sewerage undertaker in accordance with regulation 10 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024.]**(11)**

13. [**(9)** hereby undertakes to consult the sewerage undertaker before giving a final certificate in accordance with section 51 of that Act in respect of any of the work described above.] **(11)**

14. The plans to which this certificate relates bear the following date and reference number: **(14)**

15. [**(9)** hereby confirms—

(a) it is a registered building control approver for the purposes of Part 2 of the Building Act 1984 and that the work described in this notice is within the scope of its registration;

(b) it is aware of the obligations imposed on it by Part 2 of the Building Act 1984 and by regulation 4 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024;

(c) none of the work to which this notice relates is higher-risk building work;

(d) the building to which the work relates [is][will be][is not][will not be]**(15)** an FSO building;

(e) [it has obtained advice from **(16)**, a registered building inspector, before submitting this notice.]**(17)**

Signature	Signature
On behalf of **(9)**	On behalf of **(18)**
Date	Date

ANNEX: THE BUILDING SAFETY LEVY INFORMATION

1. The "building safety levy information" is-

(a) a statement as to whether the applicable work relates to development—

(i) for which planning permission is required, or

(ii) to which section 33 of the Planning Act 2008 applies,

(b) in a case where planning permission is required, also one of the following statements—

(i) a statement that the planning permission has been granted, together with information identifying the permission,

(ii) a statement that an application for planning permission has been made but not yet determined, together with information identifying the application for planning permission,

(iii) a statement that an application for planning permission has not yet been made,

(iv) a statement that the planning permission is subject to prior approval and the prior approval requirement is satisfied, together with information identifying the prior approval and how the prior approval requirement is satisfied,

(v) a statement that the planning permission is subject to prior approval and a prior approval application has been made but the prior approval requirement is not yet satisfied, together with information identifying the prior approval application,

(vi) a statement that the planning permission is subject to prior approval and a prior approval application has not yet been made,

but where the planning permission expressly provides for the development to be carried out in phases the references in paragraphs (i), (ii) and (iii) to the planning permission is a reference to the planning permission for the particular phase or phases of the development to which the initial notice relates;

(c) in a case where planning permission is required or section 33 of the Planning Act 2008 applies, a statement as to whether the building work to which the initial notice relates is, or is anticipated to be, major residential development or is part of a wider development which is, or is anticipated to be, major residential development;

(d) the number of dwellings (if any) that would be provided as a result of the building work to which the initial notice relates;

(e) if purpose-built student accommodation would be provided as a result of the building work to which the initial notice relates, the number of bedspaces that would be contained in the purpose-built student accommodation;

(f) if this notice is given by a person on behalf of the client, a statement signed by the client confirming that the information provided under sub-paragraphs (a) to (e) is accurate.

2. In paragraph 1, the prior approval requirement is satisfied, in relation to a development, if the outcome of the prior approval application is that—

(a) prior approval is given, or is deemed to be given, or

(b) the local planning authority has determined prior approval is not required, and local planning authority has the meaning given in section 336 of TCPA 1990.

3. In paragraph 1, "applicable work" means—

(a) the building work to which the initial notice relates, but

(b) where the building work is part of a wider development, all the work included in that development.

NOTES

(1): If the work concerns a new dwelling, but planning permission has not yet been granted, this form cannot be used and Form 1 (initial notice) and Form 3 (plans certificate) have to be given separately.

(2): Name and address of local authority.

(3): Location and description of the work, including the use of any building to which the work relates.

(4): Name, address, telephone number and (if available) email address of registered building control approver.

(5): Name, address, telephone number and (if available) email address of person intending to carry out the work, and if that person is not the client also the name, address, telephone number and (if available) email address of the client.

(6): Delete as appropriate.

(7): A new dwelling includes a dwelling that is formed by a material change of use of a building within the meaning of regulation 5(a), (b) or (g) of the Building Regulations 2010).

(8): The local authority may reject this notice only on grounds set out in Schedules 2 and 3 to the Building (Registered Building Control Approvers etc.) (England) Regulations 2024. The grounds include failure to provide relevant documents. The documents listed in paragraph 5 relevant to the work described must therefore be sent with this notice. Delete any sub-paragraph of paragraph 5 that does not apply.

(9): Name of the registered building control approver.

(10): See regulation 3 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 for the requirements as to professional and financial interests.

(11): Delete this statement if it does not apply.

(12): Delete whichever does not apply. If the registered building control approver is obliged to consult the fire and rescue authority, the declaration either in paragraph 9 or in paragraph 10 must be made.

(13): Delete whichever does not apply. If the registered building control approver is obliged to consult the sewerage undertaker, the declaration either in paragraph 12 or in paragraph 13 must be made.

(14) Insert the date and reference number.

(15): Delete as appropriate. See regulation 9 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 for the definition of FSO building.

(16): Name of registered building inspector.

(17): Delete this statement where the registered building control approver is itself a registered building inspector.

(18): Name of person intending to carry out the work.

Form 5

Section 51 of the Building Act 1984

The Building (Registered Building Control Approvers etc.) (England) Regulations 2024

FINAL CERTIFICATE

1. This certificate relates to the following work: **(1)**

2. (2) hereby confirms—

(a) it is a registered building control approver for the purposes of Part 2 of the Building Act 1984;

(b) the work described in this certificate is within the scope of its registration; and

(c) the above work is [the whole / part] **(3)** of the work described in an initial notice given by it and dated **(4)** [and amended on **(4)**] **(3)**.

3. The work [does / does not] **(3)** concern a new dwelling. **(5)**

4. [No optional requirement in the Building Regulations 2010 applies to the work.] **(6)**

5. [One or more of the following optional requirements applies to the work, namely— **(7)**

(a) regulation 36(2)(b) of the Building Regulations 2010;

(b) requirement M4(2) of Schedule 1 to the Building Regulations 2010;

(c) requirement M4(3) of Schedule 1 to the Building Regulations 2010.] **(6)**

6. (2) hereby confirms—

(a) the work described above has been completed, and

(b) it has performed the functions assigned to it by regulation 4 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024.

7. [**(2)** hereby confirms the person carrying out the work has notified it to the effect that the fire safety information has been given to the responsible person as required by regulation 38 of the Building Regulations 2010, as modified by regulation 5 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024.] (**8**)

8. [A final certificate has now been issued in respect of all the work described in the initial notice referred to in paragraph 2 above.] **(6)**

9. (2) hereby declares it has had no professional or financial interest **(9)** in the work described since giving the initial notice referred to in paragraph 2. **(6)**

10. (2) hereby confirms it has received a statement, from the client for the work described in this final certificate, which is in accordance with regulation 18(1)(d) of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024.

11. (2) hereby confirms it has received a statement, from each principal contractor (or sole contractor) for the work and from each principal designer (or sole or lead designer) for the work

described in this final certificate, which is in accordance with regulation 18(1)(e) of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024.

12. [**(2)** hereby confirms it has consulted the fire and rescue authority in accordance with regulation 9 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024.] **(6)**

13. (2) hereby confirms that none of the work to which this certificate relates is higher-risk building work.

14. [**(2)** hereby confirms it has obtained advice from **(10)**, a registered building inspector, before submitting this notice.] **(11)**

15. [**(2)** hereby confirms it has received a statement in relation to the building safety levy, from the client for the building work to which this certificate relates, which confirms—

[a notice of no charge has been given in relation to the initial notice, or an updated application relating to the initial notice, and the notice of no charge has not been cancelled] **(3)**

[the levy liability amount in relation to the initial notice or an updated application has been paid in full] **(3)**.] **(12)**

16. [The following are the contact details for the client: **(13)**] **(12) (14)**

17. This certificate is evidence (but not conclusive evidence) that the requirements specified in it have been complied with.

Signature

On behalf of **(2)**

Date

NOTES

(1): Location and description of the work, including the use of any building to which the work relates.

(2): Name of the registered building control approver.

(3): Delete as appropriate.

(4): Insert date.

(5): A new dwelling includes a dwelling that is formed by a material change of use of a building within the meaning of regulation 5(a), (b) or (g) of the Building Regulations 2010). If the work does concern a new dwelling the statement in either paragraph 4 or 5 must be given.

(6): Delete this statement if it does not apply.

(7): Delete the optional requirements that do not apply to the work.

(8) Delete this statement if regulation 38 of the Building Regulations 2010, as modified by regulation 5 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024, does not apply to the building work to which the final certificate relates.

(9): See regulation 3 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 for the requirements as to professional and financial interests.

(10): Name of registered building inspector.

(11): Delete this statement where the registered building control approver is itself a registered building inspector.

(12): Delete paragraphs 15 and 16 if the building safety levy information was not required to be provided with the initial notice, as varied, referred to in paragraph 2. For the purposes of paragraph 15, "notice of no charge" and "levy liability amount" have the same meaning as in the BSL Regulations.

(13): Name, address, telephone number and, if available, email address of the client for the building work to which this certificate relates.

(14): These details must be included if a new person (NP) has become the client in relation to the building work to which this certificate relates and details of NP have not already been given to the authority in an amendment notice, a levy update notice, a notice under regulation 15(2) of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 or a notice under paragraph 2(3) of Schedule 4 to the BSL Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the imposition of a Building Safety Levy ("the levy") by reference to building control applications. These Regulations provide for who is liable to pay the levy, how it is to be calculated, when it is to be paid, and how the revenue collected is passed to the Secretary of State. They also set out the consequences for failure to provide information for the purpose of the levy and for failure to pay the levy.

"Collecting authorities" are responsible for collecting and administering the levy. Regulation 4 designates local authorities as collecting authorities and provides how to identify the relevant collecting authority for a building control application.

Regulation 2, Part 3 and Schedules 1 and 2 set out definitions and interpretative provisions in relation to key concepts in these Regulations.

Part 4 and Schedule 3 make provision about when the levy charge arises, and how the charge is calculated. Regulation 15 provides that a levy charge will arise on a building control application for building work which creates or increases residential floorspace (Part 3 makes provision about "residential floorspace") and which, either on its own or taken together with other development subject to a planning permission, provides at least 10 dwellings or at least 30 bedspaces in purpose-built student accommodation. The levy charge will not arise if the person who is liable to pay the levy ("the named client") is exempt (regulation 13). Regulation 16 provides that the amount charged is calculated by reference to the chargeable floorspace (as set out in regulations 17 to 19, with again relevant provision made in Part 3) multiplied by the applicable area rate. Regulations 20 and 21 provide that the applicable area rate will be that set out in Schedule 3 in relation to the relevant collecting authority; different rates apply to work on previously developed sites.

Part 5 makes provision about the payment of the levy. Regulations 22 and 23 and Schedule 4 identify the named client. Regulation 24 provides that the levy is to be paid by the date of the first completion notice or first date of occupation, whichever is earliest.

Part 6 amends the Building Regulations 2010 (S.I. 2010/2214), the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (S.I. 2024/110, "the RBCA Regulations") and the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 (S.I. 2023/909, "the HRB Regulations") to require that information related to the levy is to be included in certain applications and notices made to the local authority, to the registered building control approver or to the building safety regulator ("the regulator") (regulations 25 to 31). If the required levy information is not included in an initial notice, amendment notice or a plans certificate combined with an initial notice, those notices must be rejected (regulation 29(6) and Schedule 5). If required information is not included in an application for approval with full plans or a higher-risk building application, the Building Regulations 2010 and HRB Regulations respectively provide that the relevant authority may reject the application.

Regulations 32 and 33 also make provision for information to be shared by the regulator with the collecting authority, where the regulator receives an application or a commencement notice that includes levy information. Regulation 34 provides that the regulator is to inform the collecting authority when they receive notification of a change of named client. Regulation 35 requires a collecting authority to confirm to the regulator that it has received levy evidence from a named client within 10 working days where that is required.

Part 7 makes provision about how and when the collecting authority must determine if the application is chargeable, calculating the levy charge and issuing levy determination notices: where the application is chargeable, the notice is a "levy liability notice" (regulation 39) and where it is not, the notice is a "notice of no charge" (regulation 40).

Part 8 makes provision about the effect of further building control applications and the provision for information and assessment of the levy in these circumstances.

Part 9 makes provision about spot checks by the collecting authority to assess the accuracy of levy information (regulations 46 to 51). Part 9 also makes provision for revised levy determination if a named client updates the levy information where they become, or cease to be, an exempt person or any of the dwellings become, or cease to be, exempt (regulations 52 and 53). A named client may also request a revised levy determination in certain circumstances, including where part of the building control approval to which the levy liability relates has lapsed (regulation 54).

Part 10 provides that a collecting authority is to give a certificate when the levy is paid (regulations 55 and 56). Part 10 also amends the Building Regulations 2010, the RBCA Regulations and the HRB Regulations to require that information related to levy liability and payment is to be included in certain notices and declarations made to the local authority, to the registered building control approver or to the regulator (regulations 57, 59 and 61). Regulation 58 amends the Building Regulations 2010 to provide that the completion certificate must be withheld unless there is confirmation pursuant to regulation 63 that the levy liability has been paid or no levy is payable. Regulation 60 (and Schedule 5) amends the RBCA Regulations to provide that the final certificate must be rejected unless there is such confirmation. Regulation 62 amends the HRB Regulations to provide that the completion certificate application must be rejected unless there is such confirmation. Regulation 64 provides that the Secretary of State, when determining an application for a completion certificate, must also reject it unless there is such a confirmation.

Provision is also made for refunds (Chapter 4). Regulation 65 provides that a refund is payable where, following a variation application, a levy update notice, a review or an appeal, the levy liability has been found to be lower than the levy payment made. Regulation 66 provides that the named client may apply for a refund where certain conditions are met, including where part of the building control approval to which the levy liability relates has lapsed. Regulation 67 makes provision about related notice requirements.

Part 11 makes provision for collecting authorities to pay levy receipts, less an amount for administrative expenses, to the Secretary of State within 42 days of the end of the relevant financial quarter (regulation 69) and provide a return within 30 days of the end of the relevant financial quarter (regulation 68). Regulation 70 makes provision for the Secretary of State to make a payment if a collecting authority's balance is negative at the end of any financial year.

Part 12 makes provision for reviews of decisions relating to levy charges and refunds (regulations 71 and 72), and subsequent appeals to the First-tier Tribunal (regulation 73).

Part 13 contains a review clause (regulation 74).

An impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is published with an Explanatory Memorandum alongside the instrument on www.legislation.gov.uk and is available for inspection during office hours at the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

© Crown Copyright 2025

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.