This Statutory Instrument has been made in consequence of defects in S.I. 2025/1236 and is being issued free of charge to all known recipients of that Statutory Instrument.

Draft Regulations laid before Parliament under section 120A(7) of the Building Act 1984 (c. 55), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No.

BUILDING AND BUILDINGS, ENGLAND

The Building Safety Levy (Amendment) (England) Regulations 2026

Made - - - -	***
Coming into force - -	*1st October 2026*

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), 51A(2) and (3), 105C(1), (3) and (5) and 120A(2) and (3) of the Building Act 1984(**a**).

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

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

(**a**) 1984 c. 55. Section 1 was amended by section 1(1) to (3) of the Sustainable and Secure Buildings Act 2004 (c. 22) ("the 2004 Act") and paragraph 2 of Schedule 5 to the Building Safety Act 2022 (c. 30) ("the 2022 Act"). Subsections (1), (2) and (5) of section 47 were amended by section 8(2) of the 2004 Act, sections 46(1) and 48(2) of, and paragraph 4 of Schedule 4 and paragraph 40 of Schedule 5 to, the 2022 Act and S.I. 1996/1905. Section 50(4) was amended by section 49(2)(b) of the 2022 Act. Section 51A was inserted by S.I. 1996/1905 and subsection (2) was amended by section 48(3) of, and paragraph 8 of Schedule 4 to, the 2022 Act. Section 51A(6) applies the powers in section 47(5) to amendment notices. Sections 105C and 120A were inserted by section 58 of, and paragraph 77 of Schedule 5 to, the 2022 Act respectively. See section 105C(11) for the definition of "specified" and section 126 for the definitions of "appropriate national authority" and "prescribed". The definition of "appropriate national authority" was inserted by paragraph 81(2) of Schedule 5 to the 2022 Act.

(**b**) Section 120B was inserted by paragraph 77 of Schedule 5 to the Building Safety Act 2022. The definition of "regulator" in section 126 was inserted by section 43 of, and paragraph 14(b) of Schedule 4 to, that Act and amended by S.I. 2026/20.

(**c**) Section 120A was inserted by paragraph 77 of Schedule 5 to the Building Safety Act 2022.

PART 1
GENERAL

Citation, commencement, extent, application and interpretation

1.—(1) These Regulations may be cited as the Building Safety Levy (Amendment) (England) Regulations 2026.

(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) Part 3 of these Regulations does not apply in relation to any building control application made before 1st October 2026.

(6) Part 3 of these Regulations does not apply to—

(a) a variation application made on or after 1st October 2026, or

(b) a commencement notice given on or after 1st October 2026,

if the variation application or commencement notice relates to an original application which was made before 1st October 2026.

(7) In these Regulations, "the 2025 Regulations" means the Building Safety Levy (England) Regulations 2025(**a**) and for the purposes of paragraphs (5) and (6), "building control application", "commencement notice", "original application" and "variation application" have the meanings given in regulation 2 of those Regulations.

PART 2
AMENDMENT OF THE 2025 REGULATIONS

Amendment of the 2025 Regulations

2. The 2025 Regulations are amended in accordance with regulations 3 to 8.

Amendments relating to when land is previously developed

3. In regulation 21 (previously developed sites)—

(a) in paragraph (2) after "relevant date" insert ", and that building was not wholly underground";

(b) in paragraph (4)—

(i) in the words before sub-paragraph (a) after "at that time" insert "any one or more of the following conditions are met";

(ii) omit the "or" after sub-paragraph (c);

(iii) at the end of sub-paragraph (d) insert ", or

(e) any operations which have been carried out in, on, over or under the land are not lawful.";

(c) after paragraph (4) insert—

(**a**) S.I. 2025/1236.

"(4A) For the purposes of calculating whether at least 75% of land is previously developed for the purposes of paragraph (1), any underground part of a building which extends beyond the part of the building which is not underground is not to be taken into account.";

(d) in paragraph (5)—

(i) for the definition of "building" substitute—

""building" means any permanent building and any other permanent man-made structure or erection, including any extension, and any part of a building, as so defined;";

(ii) insert the following definitions in the appropriate places—

""lawful", in relation to operations, has the same meaning as in section 191 of TCPA 1990(**a**);";

""structure or erection" includes, but is not limited to—

(a) areas which are reinforced for load-bearing, paved or otherwise surfaced with man-made materials;

(b) plant and machinery.".

Amendments relating to the meaning of "determination period"

4. In regulation 38 ("determination period")—

(a) in paragraph (2)—

(i) in sub-paragraph (a)(iii) for "referred to in" substitute "required in accordance with";

(ii) in sub-paragraph (b)(iii) for "referred to in" substitute "required in accordance with";

(iii) in sub-paragraph (c)(ii)—

(aa) for "referred to" substitute "required in accordance with";

(bb) for "regulation 14(5) or (6)" substitute "regulation 14(1)(h)(ii) or (iii)";

(cc) for "regulation 21(5)" substitute "regulation 21(2)(g)(ii) or (iii) and (5)";

(dd) for "paragraph 2(a) or (b)" substitute "paragraph 1(h) or (i)";

(b) in paragraph (10) for "referred to in", in each place it occurs, substitute "required in accordance with".

Amendments relating to levy information spot checks

5.—(1) In regulation 46 ("levy information spot check")—

(a) in paragraph (2) omit "for the building control application";

(b) in paragraph (3) for the definition of "relevant period" substitute—

""relevant period" means—

(a) in the case where a levy update notice in relation to the building control application is selected for a levy information spot check under regulation 47 or 48, the period under regulation 53(10) to (12) for determining the levy update application;

(**a**) Section 191 was amended by section 10(1) of the Planning and Compensation Act 1991 and section 124(3) of the Localism Act 2011 (c. 20); there is another amendment which is not relevant.

(b) in all other cases, the determination period under regulation 38(7) to (9) in relation to the building control application;".

(2) For regulation 49 (requirement to notify named client of levy information spot check) substitute—

"Requirement to notify named client of levy information spot check

49.—(1) This regulation applies where a building control application or a levy update notice is selected for a levy information spot check under regulation 47 or 48.

(2) The collecting authority must as soon as practicable, but no later than the end of the period of 5 weeks beginning with the receipt date, 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, as defined in regulation 46(3), 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).".

Amendments relating to levy update notices

6.—(1) In regulation 52(3) (levy update notices)—

(a) in sub-paragraph (a) for "the BSL Regulations" substitute "these Regulations";

(b) in sub-paragraph (d) for "the BSL Regulations" substitute "these Regulations";

(c) after sub-paragraph (d) insert—

"(da) 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,

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

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

(dd) the details of the levy determination notice referred to in paragraph (1)(a), and";

(d) in sub-paragraph (e) after "(c)" insert "and (da)".

(2) In regulation 53(3)(a) (procedure and outcome for levy updates) for "remains" substitute "is".

Amendments relating to revised levy determination notices and levy payment certificates

7.—(1) In regulation 54 (request for revised levy determination)—

(a) in paragraph (4)(b) after "application" insert "(where, subject to paragraph (5A), a revised levy determination notice has the meaning given in regulation 67)";

(b) after paragraph (5) insert—

"(5A) For the purposes of paragraph (4)(b), regulation 67(6) has effect as if any reference in that paragraph to—

(a) the refund application were a reference to the request application;

(b) the new levy liability amount were a reference to the new 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 paragraph (1) ignoring the regulation 54 work.

(5B) If a revised levy determination notice is given in accordance with paragraph (4)(b) and that notice specifies that there is no charge, the levy liability notice in relation to the application referred to in paragraph (1)(a) is cancelled and the revised levy determination notice given under paragraph (4)(b) must include a statement to that effect.".

(2) In regulation 67 (refunds: levy liability amount, levy liability notices and levy payment certificates), after paragraph (2) insert—

"(2A) If a revised levy determination notice is given in accordance with paragraph (2)(a)(ii) or (2)(d)(vii)(bb) and that notice specifies that there is no charge, the levy liability notice in relation to the application referred to in regulation 66(1)(a) is cancelled and the revised levy determination notice given under paragraph (2)(a)(ii) or (2)(d)(vii)(bb) (as the case may be) must include a statement to that effect.

(2B) If a revised levy payment certificate is given in accordance with paragraph (2)(a)(iii) or (2)(d)(vii)(bb) and the revised levy determination notice given in accordance with paragraph (2)(a)(ii) or (2)(d)(vii)(bb) (as the case may be) specifies that there is no charge, the levy payment certificate referred to in regulation 66(1)(b) is cancelled and the revised levy payment certificate given under paragraph (2)(a)(iii) or (2)(d)(vii)(bb) (as the case may be) must include a statement to that effect.".

(3) In regulation 72 (carrying out a review), after paragraph (5) insert—

"(6) If the new decision is that no building safety levy is chargeable in relation to the building control application and a notice of no charge is given in relation to the new decision in accordance with regulation 37(4), the levy liability notice referred to in regulation 71(1)(a) is cancelled and the notice of no charge given under regulation 37(4) must include a statement to that effect.".

(4) In regulation 73 (appeal against decision on a review), after paragraph (5) insert—

"(6) If the new decision is that no building safety levy is chargeable in relation to the building control application and a notice of no charge is given in relation to the new decision in accordance with regulation 37(4), the levy liability notice referred to in regulation 71(1)(a) is cancelled and the notice of no charge given under regulation 37(4) must include a statement to that effect.".

Amendment to Schedule 3

8. In Schedule 3 (area rates), in the first column of the table, for "St. Helens" substitute "St Helens".

PART 3
AMENDMENT OF OTHER INSTRUMENTS

Amendment of the Building Regulations 2010

9.—(1) The Building Regulations 2010(**a**) are amended as follows.

(2) In regulation 14 (applications for building control approval with full plans), after paragraph (8) (as inserted by regulation 26 of the 2025 Regulations) insert—

"(9) In paragraphs (1)(g) and (h) and (5), the references to dwellings do not include references to purpose-built student accommodation.".

(3) In regulation 14ZA (building safety levy information) (as inserted by regulation 27 of the 2025 Regulations), after paragraph (4) insert—

"(5) In paragraph (1)(e), the reference to dwellings does not include a reference to purpose-built student accommodation.".

(4) In regulation 16 (notices in relation to building work)—

(a) in paragraph (3CA) (as inserted by regulation 28 of the 2025 Regulations)—

(i) in sub-paragraph (a), in the words before paragraph (i), after "are met" insert ", but subject to sub-paragraph (c)";

(ii) in sub-paragraph (b)—

(aa) in the words before paragraph (i), after "are not met" insert ", but subject to sub-paragraph (c)";

(bb) omit the "or" after paragraph (iii);

(iii) in sub-paragraph (c)—

(aa) for "if a statement and any evidence under sub-paragraph (a) or (b)" substitute "if a statement or evidence required under sub-paragraph (a) or (b)";

(bb) after "to that effect" insert "instead of the statement or evidence";

(b) after paragraph (10) (as inserted by regulation 28 of the 2025 Regulations) insert—

"(11) In paragraph (3CA), the references to dwellings do not include references to purpose-built student accommodation.".

Amendment of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023

10.—(1) The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023(**b**) are amended as follows.

(2) In regulation 2 (interpretation) after paragraph (2) insert—

"(3) In the provisions referred to in paragraph (4), references to a dwelling do not include references to purpose-built student accommodation.

(4) The provisions are—

(a) regulation 4(1)(f),

(**a**) S.I. 2010/2214; relevant amending instruments are S.I. 2023/911, 2024/110 and 2025/1017 and 1236.
(**b**) S.I. 2023/909, amended by S.I. 2025/1236; there is another amending instrument but it is not relevant to these Regulations.

(b) regulation 9(3A),

(c) regulation 12(1)(f),

(d) regulation 17(3A),

(e) regulation 17A, and

(f) regulation 21(2)(g) and (3).".

(3) In regulation 9(3A) (notice before starting on site and further notice when work is "commenced") (as inserted by regulation 30 of the 2025 Regulations)—

(a) in sub-paragraph (a)—

(i) in the words before paragraph (i), after "are met" insert ", but subject to sub-paragraph (c)";

(ii) after "the building control approval application for HRB work", in both places it occurs, insert "or the building control approval application for a stage of HRB work";

(b) in sub-paragraph (b)—

(i) in the words before paragraph (i), after "are not met" insert ", but subject to sub-paragraph (c)";

(ii) omit the "or" after paragraph (ii);

(c) for sub-paragraph (c) substitute—

"(c) if a statement required 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 or the building control approval application for a stage of HRB work relates, include a statement to that effect instead of the statement.".

(4) In regulation 17(3A) (notice before starting on site and further notice when work is "commenced") (as inserted by regulation 30 of the 2025 Regulations)—

(a) in sub-paragraph (a), in the words before paragraph (i), after "are met" insert ", but subject to sub-paragraph (c)";

(b) in sub-paragraph (b)—

(i) in the words before paragraph (i), after "are not met" insert ", but subject to sub-paragraph (c)";

(ii) omit paragraph (iii) and the "or" after it;

(c) in sub-paragraph (c)—

(i) after "a statement", in the first place it occurs, insert "required";

(ii) after "to that effect" insert "instead of the statement".

(5) In regulation 21(2)(g)(iii) (change control applications) (as inserted by regulation 45 of the 2025 Regulations), for "paragraph (4)." substitute "paragraph (4),".

Amendment of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024

11.—(1) The Building (Registered Building Control Approvers etc.) (England) Regulations 2024(**a**) are amended as follows.

(2) In regulation 2 (interpretation) after paragraph (5) insert—

(**a**) S.I. 2024/110, amended by S.I. 2025/1236; there are other amending instruments but none is relevant.

"(6) In the provisions referred to in paragraph (7), references to a dwelling do not include references to purpose-built student accommodation.

(7) The provisions are—

(a) regulation 15(2A),

(b) paragraph 5(f) of, and the Annex to, Form 1 in Schedule 1,

(c) paragraph 4(h) of, and the Annex to, Form 2 in Schedule 1,

(d) paragraph 5(f) of, and the Annex to, Form 4 in Schedule 1, and

(e) paragraph 6(h) of Schedule 2.".

(3) In regulation 15(2A) (notice before starting work and further notice when work is "commenced" etc.) (as inserted by regulation 29 of the 2025 Regulations)—

(a) in sub-paragraph (a), in the words before paragraph (i), after "are met" insert ", but subject to sub-paragraph (c)";

(b) in sub-paragraph (b)—

(i) in the words before paragraph (i), after "are not met" insert ", but subject to sub-paragraph (c)";

(ii) omit the "or" after paragraph (iii);

(c) in sub-paragraph (c)—

(i) for "if a statement and any evidence under sub-paragraph (a) or (b)" substitute "if a statement or evidence required under sub-paragraph (a) or (b)";

(ii) after "to that effect" insert "instead of the statement or evidence".

(4) In Schedule 1 (forms), for Form 2 (as substituted by regulation 44 of the 2025 Regulations) substitute the form in the Schedule to these Regulations.

(5) In Schedule 2 (grounds for rejecting an initial notice, an amendment notice or a plans certificate combined with an initial notice), in paragraph 6(h) (as inserted by regulation 29 of the 2025 Regulations)—

(a) in paragraph (i) for "listed in", in each place it occurs, substitute "required in accordance with";

(b) in paragraph (ii) for "as to the matters described in" substitute "required in accordance with".

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Parliamentary Under Secretary of State for Building Safety, Fire and Democracy
Ministry of Housing, Communities and Local Government

SCHEDULE

Regulation 11(4)

The Building (Registered Building Control Approvers etc.) (England) Regulations 2024: Substituted Form 2

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 are references 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, 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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Building Safety Levy (England) Regulations 2025 (S.I. 2025/1236) ("the 2025 Regulations"), the Building Regulations 2010 (S.I. 2010/2214) ("the 2010 Regulations"), the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 (S.I. 2023/909) ("the HRB Regulations") and the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (S.I. 2024/110) ("the RBCA Regulations"). The 2025 Regulations make provision for the imposition of a Building Safety Levy ("the levy") by reference to building control applications and amend the 2010 Regulations, the HRB Regulations and the RBCA 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.

Part 2 (regulations 3 to 8) amends the 2025 Regulations.

Regulation 3 amends regulation 21 to exclude wholly underground buildings and unlawful developments from the scope of "previously developed" land as well as to exclude underground parts of buildings from calculations of whether 75% of land is previously developed. Regulation 3 also amends the definition of "building" in regulation 21 to make clear that permanent buildings and any other permanent man-made structures or erections, including areas surfaced with man-made materials and plant and machinery, are in scope of "previously developed" land.

Regulation 4 amends regulation 38 to make correcting amendments, including adding a missing cross-reference to regulation 21(2)(g)(ii) and (iii).

Regulation 5 amends regulations 46 and 49 to set an earlier deadline by which a collecting authority must notify the person who is liable to pay the levy if information relating to their building control application is selected for a levy information spot check and to make clear the period during which the collecting authority must carry out the spot check.

Regulation 6 amends regulation 52 to align the content requirements of a levy update notice with those of a building control application. Regulation 6 also amends a couple of references in regulation 52 to "the BSL Regulations" so that they correctly refer to "these Regulations" and amends regulation 53 to make clear that a levy update notice can concern an application in respect of which a notice of no charge has been issued.

Regulation 7 amends regulations 54, 67, 72 and 73 to make clear what constitutes a revised levy determination notice for the purposes of regulation 54 and to provide for the cancellation of a levy liability notice or levy payment certificate (as the case may be) in circumstances specified in those regulations.

Regulation 8 makes a minor correcting amendment to the name of the local authority area of St Helens.

Part 3 amends the 2010 Regulations, the HRB Regulations and the RBCA Regulations to make correcting amendments, including making clear that references to "dwelling" for levy purposes do not include purpose-built student accommodation and making clear that levy information is required in relation to building control approval applications for a stage of HRB work. The substituted Form 2 set out in the Schedule incorporates some minor corrections to paragraphs 1(b) and 3(d) of the Annex to the form as well as Note 4 to the form.

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 alongside the instrument and Explanatory Memorandum 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.

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