



Producing Compliance Statements and meeting Part 2A Building Regulation Requirements



Table of Contents

| | |
|--|-----------|
| Introduction | 3 |
| Building Regulations (England) – under the new regime [post October 2023] | 4 |
| Changes in the Building Regulations | 4 |
| External and Internal audits | 5 |
| The new role of Building Control | 6 |
| Building Control Does Not: | 6 |
| Updated guidance | 9 |
| The need to change the UK attitude to design and construction | 10 |
| Compliance Statements | 11 |
| Structure of your compliance statement | 12 |
| Fire & Rescue Services | 14 |
| Compliant Plans and the Dutyholder Regime | 16 |
| Dutyholders and their roles | 18 |
| Overview of Dutyholders under Part 2A of the Building Regulations 2010 | 18 |
| Client | 18 |
| Designer..... | 19 |
| Principal Designer..... | 19 |
| Contractor..... | 19 |
| Principal Contractor..... | 19 |
| Domestic Clients | 19 |
| Competence and Compliance..... | 20 |
| Competency benchmarks | 20 |
| Declaration of Compliance | 21 |
| Competence and Misrepresentation | 23 |
| Elevated risk for non-compliance | 24 |
| Emerging Law Court Prosecutions | 25 |
| Recent Prosecution of a Principal Contractor | 25 |
| Conclusion | 29 |



Introduction

The Building Safety Act 2022 and the dutyholder regime introduced under Part 2A of the Building Regulations 2010 have significantly changed how building projects are designed and delivered in England. Responsibility for compliance now rests firmly with Clients, Principal Designers, Principal Contractors, designers and contractors, all of whom must be able to competently demonstrate how compliance has been achieved.

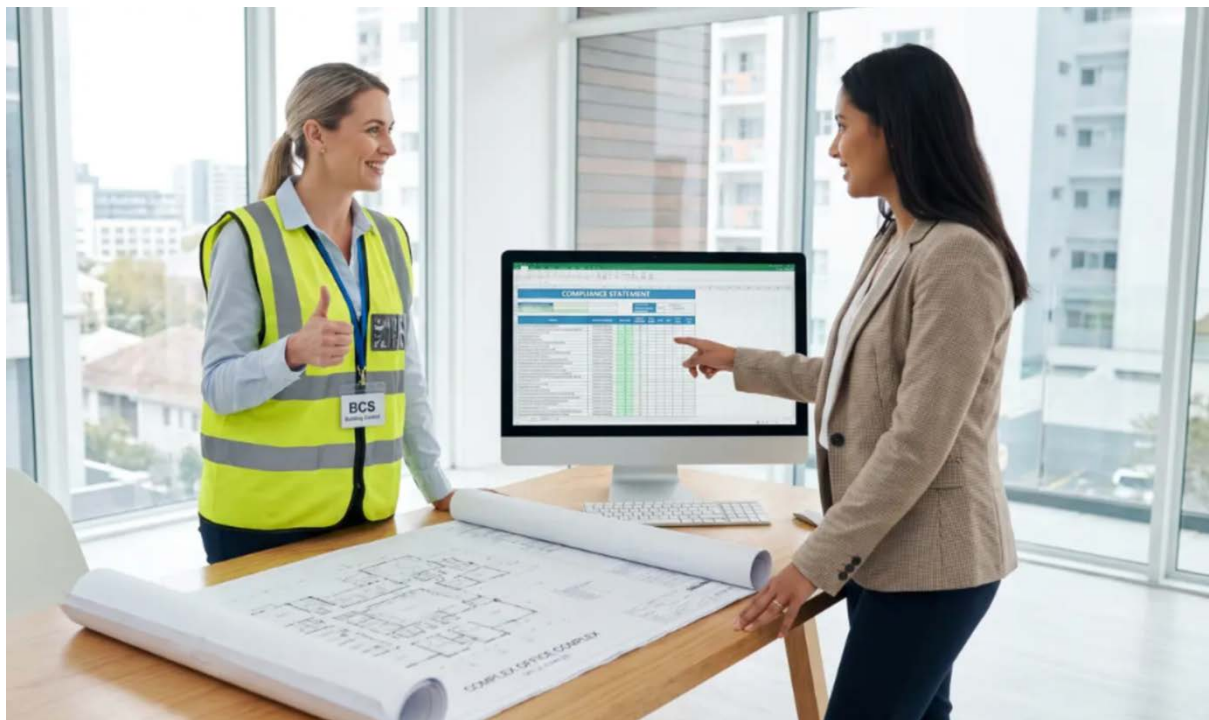


Image: Registered Building Inspector auditing project submissions provided by Principal Designer or Contractor.

Positive engagement with Building Control throughout the design and construction process is essential. Early and proactive engagement can help dutyholders understand compliance expectations, identify regulatory risks and ensure that sufficient evidence exists to support compliance decisions, based upon your compliant plans submitted at the outset to Building Control. Building Control verifies your compliance, but does not provide any design advice, or provide ways for you to comply.

A structured compliance approach is equally important. **Compliance statements**, supported by coordinated plans, specifications, calculations and other evidence, provide a clear record of how compliance has been achieved and support the statutory **Declarations of Compliance** required at project completion.

Projects that adopt a proactive and evidence-based approach to compliance are better placed to reduce the risk of non-compliant work, enforcement action, costly remedial works and future liability claims. This guidance has been prepared to help dutyholders understand their responsibilities and navigate the modern building safety regime with confidence.

Building Regulations (England) – under the new regime [post October 2023]

Purpose : This document does not offer any design guidance nor is it a substitute for advice you should obtain from qualified dutyholders. This document highlights current industry methods available for dutyholders to fulfil their statutory obligations. If you choose to use alternative methods to demonstrate your compliance then you should explain your approach to building control or to other consultees such as the fire authority.

Changes in the Building Regulations

Following the Grenfell Tower tragedy where seventy people died at the scene and two people died later in hospital, with more than 70 injured and 223 escaping, an inquiry followed which resulted in parliament changing how any construction work is to be undertaken in England, by the introduction of the Building Safety Act 2022 and updated building regulations.

The Grenfell Tower incident was the deadliest structural fire in the United Kingdom since the 1988 Piper Alpha oil-platform disaster and the worst UK residential fire since [the Blitz](#) of [World War II](#). The fire was declared a major incident, with more than 250 [London Fire Brigade](#) firefighters and 70 [fire engines](#) from stations across Greater London involved in efforts to control it and rescue residents.

External and Internal audits

As a company we take our regulatory role seriously and follow the **HSE Operational Standards Rules** effectively structured around a risk-based approach. A recent independent audit of our company by the **Building Safety Regulator** in 2026 – concluded in their audit report and comments relating about our rigour and implementation systems -as shown below:



Image : extract from BSR concluding comments about our implemented changes to our stringent regulatory checks carried out on all projects designed to safeguard the public interest and lives.

Our company is also independently audited annually to verify our ISO9001 Quality Managed Systems which utilises state of the art data handling systems, for a consistent approach and rigour.

The new role of Building Control

The role of Building Control is to act as an independent regulator that assesses, on a risk-based basis, whether dutyholders are fulfilling their statutory obligations and providing sufficient evidence to demonstrate compliance with the Building Regulations. Where significant non-compliance is identified, Building Control may take regulatory action, referring matters for enforcement, or supporting prosecution proceedings.

We do this by gathering evidence and systematically building up a digital “Golden Thread” of information about all those responsible for procuring, designing and constructing buildings. We verify whether you have met legal obligations to produce compliant designs before work commences and that you carry out compliant building work. The Role of Building Control Under the New Building Safety Regime is as follows :

- Acts as an **independent regulator and verifier** of compliance with the Building Regulations.
- Applies a **risk-based approach** to assessing building projects.
- Assesses whether dutyholders are fulfilling their statutory obligations under Part 2A of the Building Regulations 2010.
- Reviews plans, compliance statements, calculations, specifications and other compliance evidence submitted by dutyholders.
- Carries out inspections to assess whether building work appears to comply with the Building Regulations.
- Challenges and scrutinises compliance information where necessary.
- Determines whether sufficient evidence exists to support the issue of statutory notices, certificates or other regulatory decisions.

Building Control Does Not:

- Design buildings or provide design services.
- Approve designs as compliant on behalf of dutyholders.
- Manage or supervise construction projects.
- Assume responsibility for compliance with the Building Regulations.
- Guarantee that building work is free from defects.
- Identify every omission, error or defect in designs or construction.
- Act as a substitute for competent Principal Designers, Principal Contractors, designers or contractors.
- Transfer legal responsibility for compliance away from dutyholders.

Key Principle

- Compliance with the Building Regulations remains the responsibility of the **Client, Principal Designer, Principal Contractor, designers and contractors.**
- Building Control's role is to **ascertain whether dutyholders are demonstrating compliance**, not to achieve compliance on their behalf.

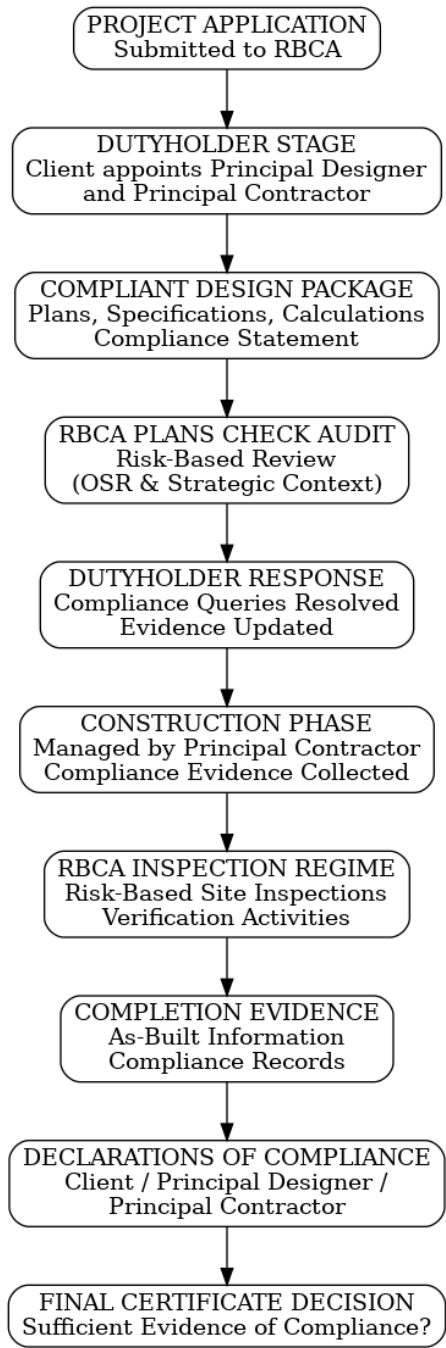
- The dutyholder regime requires compliance to be **plan, managed, and monitored - evidenced and delivered by those undertaking the work**, with Building Control providing independent regulatory oversight.



Image: Registered Building Inspectors now audit dutyholder compliance obligations by carrying out plan checks and site inspections. It is not an error detection service since the law now requires dutyholders to produce compliant designs and building work from the project outset – or they could face prosecution.

Typical simplified flowchart:

Note : Compliant plans must be provided and approved for construction by the Principal Designer before work commences



RBCA = Registered Building Control Approver.

The Fire & Rescue Services may have to be consulted before we can issue a Final Certificate.

Updated guidance

The government’s guidance publication titled, [The Strategic Context for the Regulatory Framework](#), reinforces a fundamental principle of the post-2023 building regulations regime: responsibility for compliance rests with those who commission, design and carry out the building work, and not with the building control body. The guidance expressly promotes “risk ownership” by dutyholders and expects building control bodies to adopt a risk-based approach focused upon verifying that dutyholders are properly discharging their obligations.¹ ([GOV.UK](#))

The screenshot shows a webpage from the Building Safety Regulator. At the top, there is a breadcrumb trail: Home > Housing, local and community > Planning and building > Building regulation > Building control bodies: professional codes and standards. Below this is the Building Safety Regulator logo. The main heading is 'Guidance The strategic context for the regulatory framework', updated 22 May 2026. A grey box indicates 'Applies to England'. On the left, a 'Contents' list includes: 1. Introduction, 2. Scope, 3. Roles and responsibilities, 4. A risk-based approach, and 5. Competence. The main content area is titled '1. Introduction' and contains the text: '1.1 This sets out the strategic context for the regulation of the building control framework as set out in part 2A of the Building Act 1984 (the act). It demonstrates the connection between the competence of the regulated building control profession and the performance of building control.'

You can view this Government webpage at the following link:

<https://www.gov.uk/government/publications/building-control-bodies-professional-codes-and-standards/the-strategic-context-for-the-regulatory-framework>

The need to change the UK attitude to design and construction

After a series of catastrophic disasters due to bad design, incompetent use of materials, poor workmanship, lack of qualified trained construction workers and many deaths, the law was changed by the introduction of the **Building Safety Act 2022**.



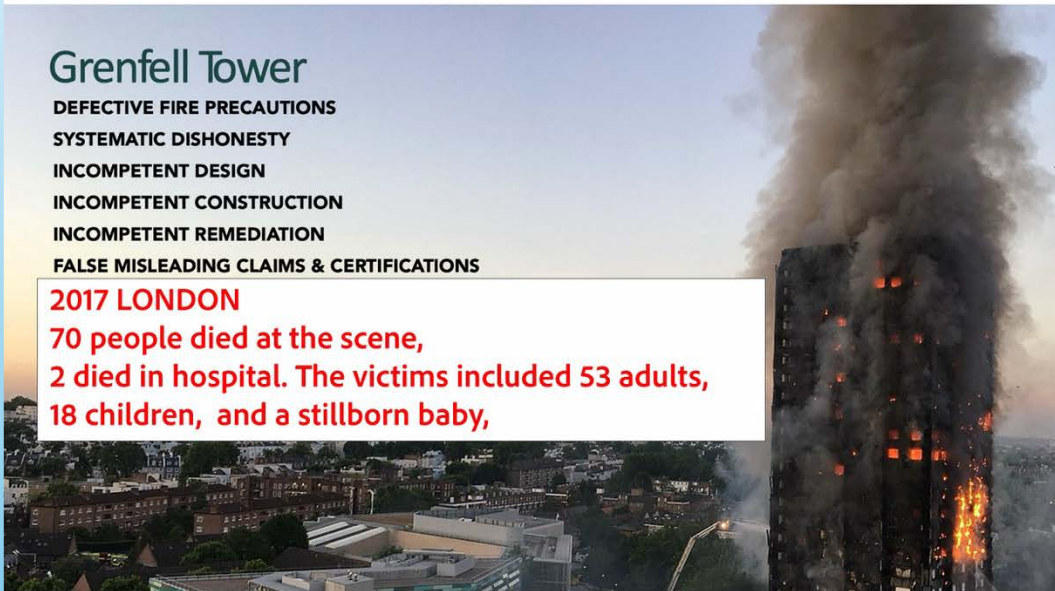
231 schools to date in England were confirmed to have RAAC, or reinforced autoclaved aerated concrete. Numerous collapses have occurred.

Grenfell Tower

- DEFECTIVE FIRE PRECAUTIONS
- SYSTEMATIC DISHONESTY
- INCOMPETENT DESIGN
- INCOMPETENT CONSTRUCTION
- INCOMPETENT REMEDIATION
- FALSE MISLEADING CLAIMS & CERTIFICATIONS

2017 LONDON

70 people died at the scene, 2 died in hospital. The victims included 53 adults, 18 children, and a stillborn baby,



ASBESTOS FOUND IN MANY OF OUR SCHOOLS



2009 LAKANAL HOUSE LONDON 6 PEOPLE DIED

LAWS HAVE NOW CHANGED IN ENGLAND & WALES THAT MAKES IT A CRIMINAL OFFENCE TO BREACH BUILDING REGULATIONS. YOU MUST PROVE YOUR COMPETENCE OR FACE SUBSTANTIAL FINES OR IMPRISONMENT IF YOU PRODUCE DEFECTIVE DESIGN OR BUILDING WORK. YOU CAN BE PURSUED MANY YEARS AFTER YOU COMPLETED YOUR WORK

Compliance Statements

To be clear the need to produce **compliance statements** applies to all building work carried out under the new regime. In projects involving higher risk buildings (HRB) it is a mandatory aspect of The Building (Higher -Risk Buildings Procedures) (England) Regulations 2023. For non-HRB it is addressed under the Governments guidance contained in the strategic context framework - expectations. A well-prepared **compliance statement** produced by the **Principal Designer** becomes an important piece of regulatory evidence. It is not a “tick-box” exercise, since the law now requires that you demonstrate your Skill, Knowledge, Experience and Behaviours [SKEB] necessary to prove your competence particularly if a future prosecution for failing to fulfil your legal obligations is made by current or future owners of buildings.

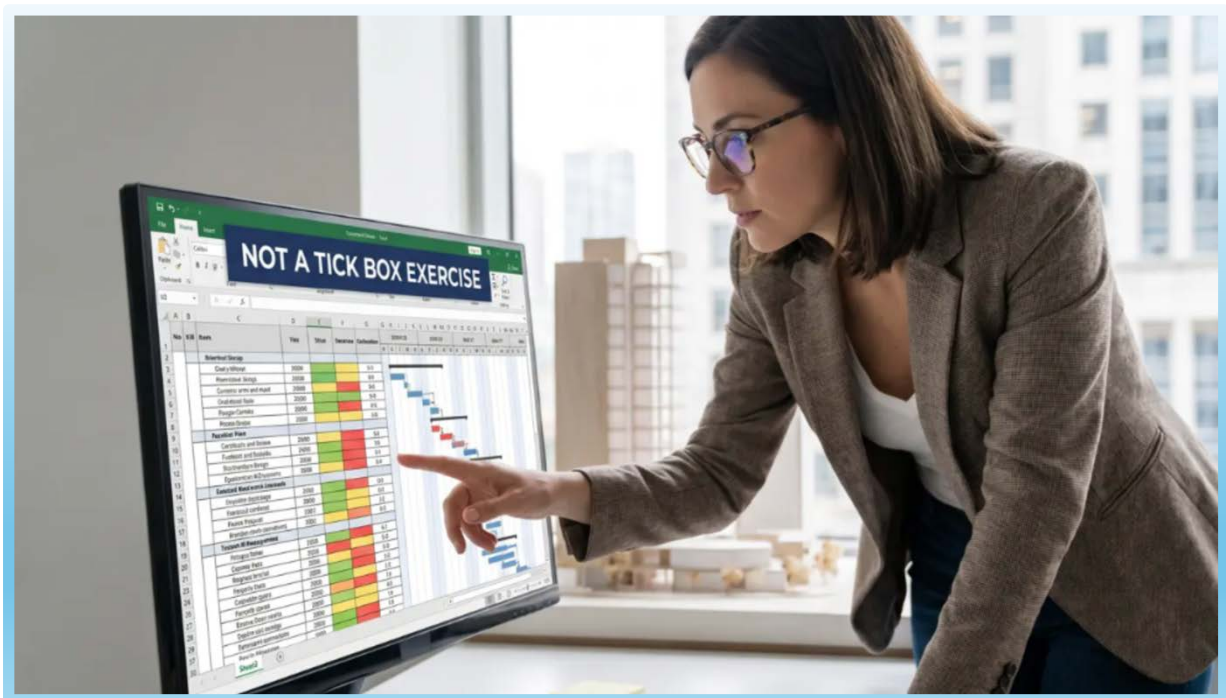


Image : Compliance statements are not a “Tick-Box” exercise – they form part of a structured approach by dutyholders who can demonstrate competence and protection against future criminal liability.

Structure of your compliance statement

Your compliance statement should be proportional to the scale and complexity of your project. The Government has not published a standard template for use in compliance statement production. We check hundreds of projects every year. An emerging industry lead compliance statement structure is developing whereby the document appears to have a structured layout embracing the following as evidence of your compliance. Your compliance statement we suggest should address the following:

- (i) What **relevant requirements** actually **apply** to your project i.e. your compliance with the requirements of regulations 4, 6, 7, 8, 22, 23, 25B, 26, 26A, 28, 36, 41(2)(a), 42(2)(a), 44A, 44ZA, 44ZC and 44D to 44I and **Schedule 1** (functional requirements) of the Building Regulations.
- (ii) Details of all dutyholders appointed and any specialist designers, and any competent person scheme contractors working on your project.
- (iii) Clearly detailing who is responsible for each design aspect and/or construction.
- (iv) Explanations how your project complies with each applicable relevant requirement.
- (v) Detailed citations of what standards, codes of practice and guidance you relied upon during your design phase (*you must quote for instance paragraph numbers, table numbers, reports from experts etc – where you intend to justify the compliance of your designs to building control and to the fire authority*)
- (vi) Upon what specific plans (numbers) you are demonstrating compliance with applicable relevant requirements mentioned in (i) above.
- (vii) Details of how any products, fitments, or critical materials have been assessed to comply with any relevant applicable standards and who selected those materials, including the use of competent persons in those installations (i.e. for smoke extraction systems, sprinklers, fire resisting boards, linings, paints, fire-stopping, electrical system installs, fire alarms, water supplies, glazing, gas installs etc)
- (viii) All the above mounted into a “landscaped” format page within columns of an Excel Spreadsheet is a common document layout that we are seeing from trained professionals.
- (ix) Identified risks and their management.



Image : Proving competence is no longer a “Tick-Box” exercise. Dutyholders, Building Control Inspector and Fire Authority Officers overseeing the compliance evidence and minimum quality standards of submissions to both building control and to Fire and Rescue Services Authorities.



Images: Building Control and Fire Authorities collaborate in regulatory matters with fire & rescue services.

Paragraph 3.7 of the Strategic Context guidance places emphasis on dutyholders proactively explaining how compliance with the Building Regulations has been achieved, including the standards, methodologies, assumptions, design decisions and risk management measures relied upon. Rather than merely depositing drawings, the dutyholder is expected to explain why the design complies.¹ ([GOV.UK](https://www.gov.uk))

A compliance statement therefore assists the building control body because it:

- demonstrates that the Principal Designer has actively considered the functional requirements of Schedule 1;
- provides evidence that compliance has been planned, coordinated and reviewed rather than assumed;
- identifies the guidance, standards, calculations and engineering judgments relied upon;
- explains departures from standard guidance where applicable;
- highlights significant compliance risks and how they have been addressed;
- assists the building control body in auditing whether the Part 2A dutyholder regime is operating as intended;
- provides a documented trail showing that compliance ownership remains with the dutyholders.

Fire & Rescue Services

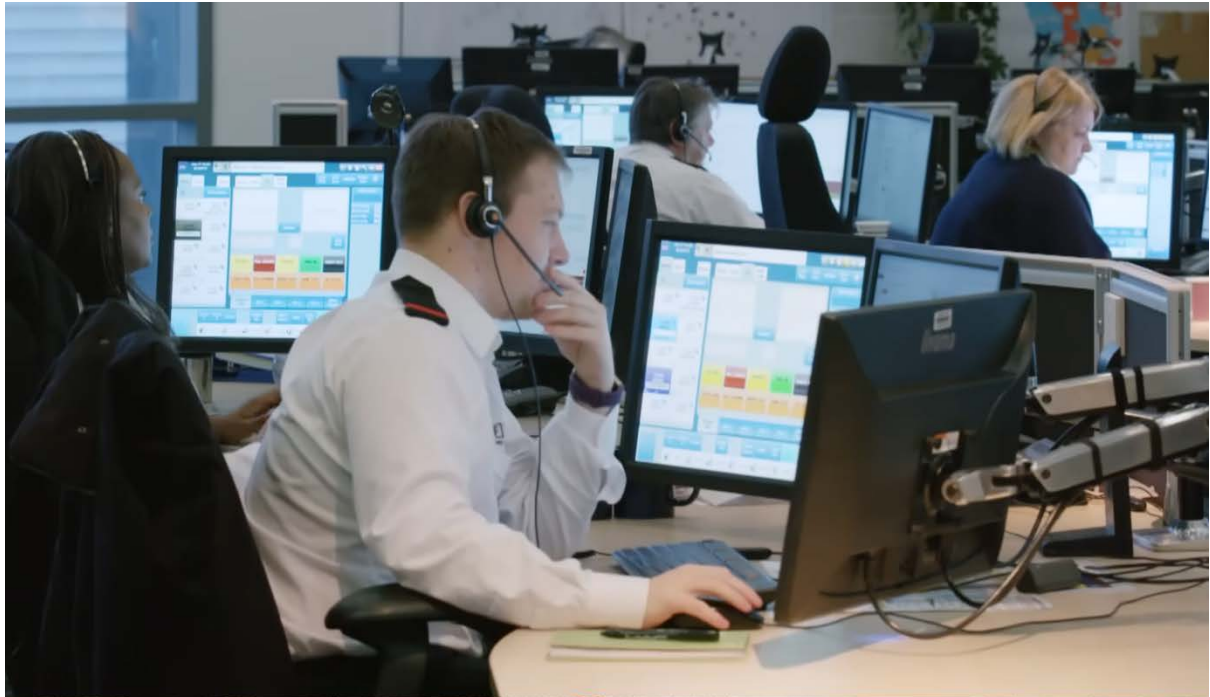
Where the Fire and Rescue services are required to be consulted about your project then increasingly across England their fire safety officers are now requesting that they have a copy of your **Compliance Statement** document along with your detailed plans.

Both the fire and rescue services and building control are no longer required to check in some instances, the hundreds of plans, specifications, reports or calculations to find how you have complied and whether you have made any errors in any particular aspect of the design, since the law has now changed to establish your absolute liability should the designs be later found to be defective, even many years later where you can still face prosecution. Your compliance statement therefore becomes a critical document for both building control and the fire authorities to scrutinise.

Building Control's technical expertise plays a critical part using highly trained Government Registered Building Inspectors to make sure that regulatory decisions are being carried out and discussed with the fire authorities so we can safeguard the public interest and protect lives in the long-term.

Building Control and the Fire & Rescue Services will not offer any design advice to you.

Our statutory consultations with the fire authority are for the sole purpose of directing our regulatory decision processes and to invoke any necessary enforcement against those who break the law.



Images : Fire fighters need to know beforehand the risks buildings pose and how their fire control and rescue services can be used efficiently to protect lives. Building Control plays a critical part during any construction phases to safeguard health and safety of all buildings.

Importantly, the compliance statement helps the building control body determine whether the Principal Designer appears to be fulfilling duties under Regulations 11F, 11J and 11M relating to planning, managing, monitoring and coordinating design work so that, if built in accordance with that design, the building work will comply with the applicable requirements of the Building Regulations.

The value of such a document becomes even greater at completion stage when signed Declarations of Compliance are required under Regulation 16(4A).

Compliant Plans and the Dutyholder Regime

Part 2A of the Building Regulations 2010 places a legal duty upon **dutyholders** to ensure that building work is designed and managed so that, if constructed in accordance with the design, it will comply with all applicable requirements of the Building Regulations.

In practical terms, "compliant plans" are plans and supporting information that demonstrate how the proposed building work satisfies the functional requirements of Schedule 1 and any other relevant regulatory provisions.

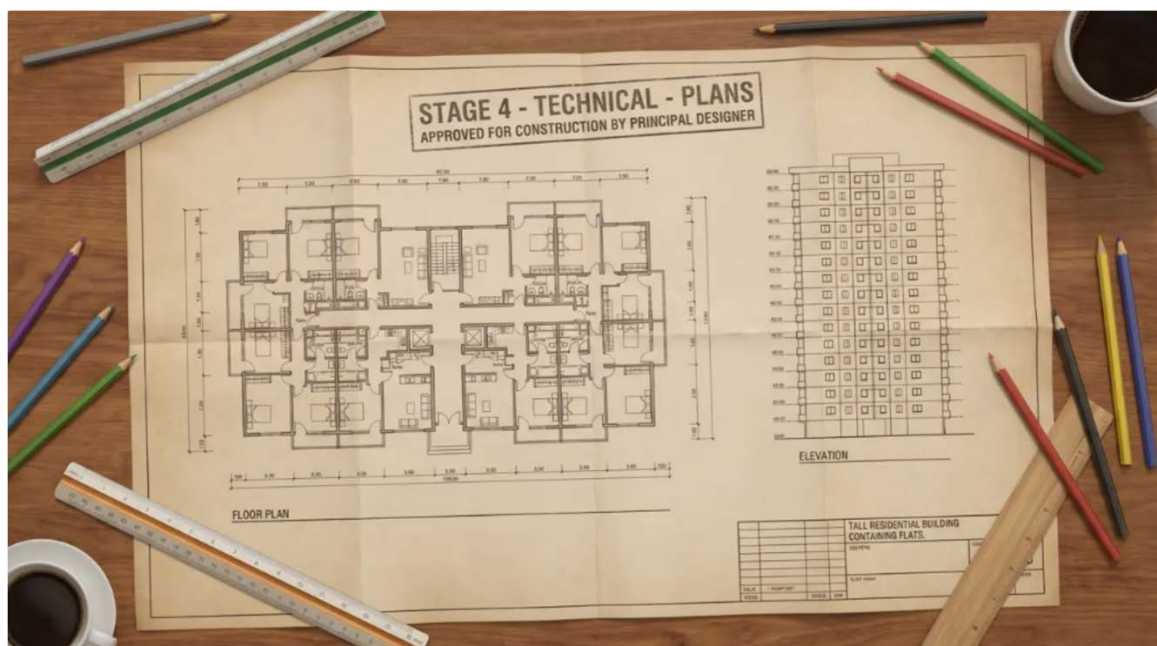
The **dutyholder** regime introduced firstly in England 2023, represents a significant shift away from the historic perception that compliance is established by building control.

Dutyholder roles in Wales were delayed and will come into force 1st July 2026.

All Building Control Bodies should now receive plans on the basis that dutyholders have approved the designs and that they are compliant. A failure to provide building control with compliant plans at the outset before work commences is very likely to be recorded into the building control records as a dutyholder failing to meet the obligations set out in Part 2A of the Building Regulations -**making it an offence.**

We do not develop or negotiate how a design is to be made compliant.

Plans submitted to building control should be RIBA Stage 4 [TECHNICAL STANDARD] drawings or equivalent, approved for construction by the Principal Designer before work commences.



Principal Designers and other dutyholders are expected to satisfy themselves that the design is compliant before construction begins, and to be able to explain and evidence that compliance.

Having compliant plans in place before work commences is fundamental to the new regime. It enables compliance risks to be identified and resolved at the design stage, reduces the likelihood of defective or non-compliant work being constructed, supports effective coordination between designers and contractors, and provides a sound basis for the statutory **Declarations of Compliance** required at project completion.

Commencing construction before a compliant and coordinated design has been established increases the risk of design changes, remedial works, delays, additional costs and potentially breaches the statutory dutyholder obligations.

Accordingly, **dutyholders** should ensure that plans are reviewed, coordinated and accepted as compliant by those responsible for the design before building work starts, rather than adopting a "build first, design later" approach which is contrary to the objectives of the modern building safety regime.



Dutyholders and their roles

The appointment of a “dutyholder” imposes specific legal obligations upon them, which results in **absolute legal liability**.

Clients who have a responsibility to appoint dutyholders must carry out checks to verify competencies of dutyholders. All dutyholder appointments must be done in writing (signed contracts). Dutyholders must carry sufficient professional and public liability insurance policies.

Overview of Dutyholders under Part 2A of the Building Regulations 2010

Part 2A of the Building Regulations 2010, introduced through the Building Regulations etc. (Amendment) (England) Regulations 2023, establishes a statutory dutyholder regime for building work in England. The purpose of the regime is to ensure that responsibility for achieving compliance with the Building Regulations rests with those who commission, design and carry out the work, rather than with the building control body. ([Legislation.gov.uk](https://www.legislation.gov.uk))



Image: Dutyholders [Principal Designer, Principal Contractor] meeting the Client.

The principal dutyholders identified within Part 2A are:

Client

The Client is the person or organisation for whom the building work is carried out. The Client is responsible for making suitable arrangements for planning, managing and monitoring a project so that it complies with the Building Regulations. Where more than one contractor is involved, the Client must appoint a competent Principal Designer and Principal Contractor in writing. The Client must also take reasonable steps to ensure that those appointed have the necessary competence to fulfil their duties. ([GOV.UK](https://www.gov.uk))

Designer

A Designer is any person who prepares or modifies a design or instructs others to do so. Designers must ensure that the design work they undertake is planned, managed and monitored so that, if the building work is carried out in accordance with that design, it will comply with the applicable requirements of the Building Regulations. Designers must cooperate with other dutyholders and provide sufficient information to support compliance.

Principal Designer

The Principal Designer is the designer appointed by the Client to take control of the design phase where more than one contractor is involved. The Principal Designer must plan, manage and monitor the design work, coordinate design matters and take all reasonable steps to ensure that, if built in accordance with the design, the building work will comply with the Building Regulations. The Principal Designer must also liaise with the Principal Contractor and ensure effective cooperation between dutyholders. Any photographic or video images submitted to building control must be geotagged (contain embedded date, address, time etc)

Contractor

A Contractor is any person carrying out or managing building work. Contractors must ensure that the work under their control is carried out in accordance with the Building Regulations and must cooperate with other dutyholders involved in the project. They are required to possess the necessary skills, knowledge, experience and behaviours appropriate to the work being undertaken. (Legislation.gov.uk)

Principal Contractor

The Principal Contractor is the contractor appointed by the Client to manage the construction phase where more than one contractor is involved. The Principal Contractor must plan, manage and monitor the building work, coordinate contractors, ensure cooperation between dutyholders and take all reasonable steps to ensure that the building work complies with the Building Regulations. The Principal Contractor also has an important role in managing compliance during construction and communicating with the Principal Designer. Any photographic or video images submitted to building control must be geotagged (contain embedded date, address, time etc)

Domestic Clients

Where the Client is a domestic client, many of the statutory responsibilities transfer automatically to the Principal Designer and Principal Contractor, or in some circumstances to those undertaking the design and construction work, if formal appointments are not made. This ensures that compliance responsibilities remain clearly allocated throughout the project.



Competence and Compliance

A central feature of Part 2A is the requirement that dutyholders possess the skills, knowledge, experience and behaviours necessary to carry out their functions and fulfil their legal duties. Dutyholders must cooperate, communicate and coordinate their activities throughout the project and must be able to demonstrate that compliance has been actively considered, managed and evidenced.

The regime culminates at project completion where the Principal Designer and Principal Contractor are generally required to provide signed Declarations of Compliance confirming that they have fulfilled their statutory duties and, to the best of their knowledge, the completed work complies with the Building Regulations. This reflects the fundamental principle of the modern regime: responsibility for compliance rests with the dutyholders who commission, design and carry out the building work.

Competency benchmarks

The Government in conjunction with the British Standards Institute has published a series of freely downloadable guidance booklets which can help building owners and professionals to assess their suitability for involvement in any design and construction projects – these are shown below:



The documents provide a basis and benchmarks relating to competency which is recognised with the industry.

You can download these booklets from the BSI website:

<https://www.bsigroup.com/en-GB/insights-and-media/insights/brochures/pas-8672-framework-for-competence-of-individual-principal-contractors/>

Declaration of Compliance

A **Declaration of Compliance** is not intended to be a simple administrative signature, or a mere checklist – tick box exercise. It is a structured formal set of statements by the Principal Designer and Principal Contractor that they have fulfilled their statutory duties and have taken reasonable steps to ensure compliance. Where a project has been supported throughout by a structured **compliance statement**, the declaration is supported by a documented record showing:

- what compliance strategy was adopted;
- how compliance was assessed;
- how design risks were identified and managed;
- what standards and guidance were followed;
- how changes during construction were controlled;
- why the dutyholder believes the completed work complies.



Image : Architect managing his evidence files

In practical terms, the **compliance statement** becomes part of the evidential foundation that underpins the later submission of a **Declaration of Compliance**. It demonstrates a continuous compliance process rather than a retrospective attempt to justify compliance at the end of the project.

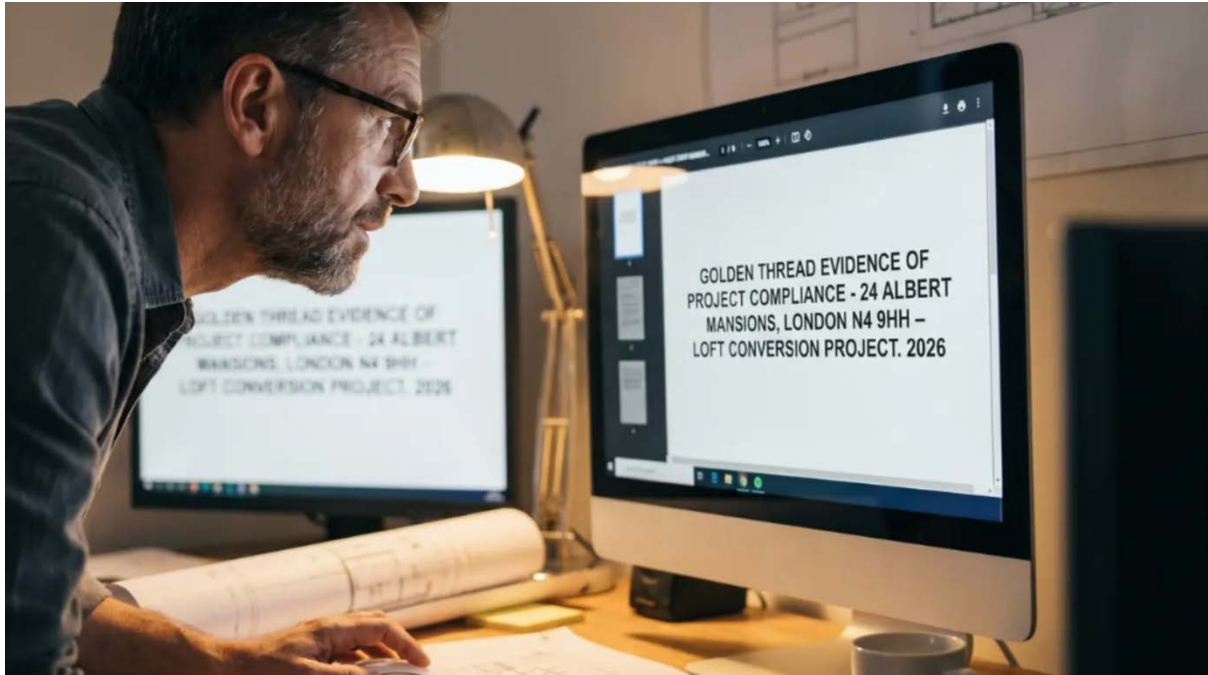


Image : Principal Designer maintaining his “Golden Thread” digital project evidence file.



Image : Dutyholder handing his signed Declaration of Compliance to a Building Control Official (with Fire Brigade Officer in background)

Conversely, where compliant design plans are submitted without any accompanying compliance statement or compliance narrative, several risks arise.

Firstly, the building control body may receive drawings but little explanation as to how compliance has actually been achieved. This can make it difficult to determine whether the design has been properly coordinated or whether significant compliance issues remain unresolved.

Secondly, contractors may proceed with construction based upon drawings that contain insufficient compliance reasoning, assumptions or design intent information. This increases the likelihood of incorrect interpretation, design drift, uncoordinated construction and non-compliant work.

Thirdly, the absence of a compliance statement may indicate that the Principal Designer has not undertaken a sufficiently structured compliance assessment process.

Whilst the absence of a compliance statement document does not automatically prove a breach of duty, it may make it more difficult for a dutyholder to demonstrate that the statutory obligations under Part 2A were properly discharged if subjected to court action.

Competence and Misrepresentation

Under Part 2A of the Building Regulations 2010, dutyholders must possess the skills, knowledge, experience and behaviours (SKEB) necessary to carry out their roles.

Any person who knowingly misrepresents their competence, qualifications or ability to undertake design or construction work may be exposed to regulatory enforcement, civil liability and, in serious cases, criminal prosecution.

The courts are increasingly likely to scrutinise competence and compliance management failures where these contribute to unsafe or non-compliant building work.

Dutyholders should therefore only accept appointments that fall within the limits of their demonstrable competence and should be able to evidence their capability if required.



Image: New laws make it possible for Principal Contractors and Principal Designers to be pursued years after completing their work if it is later found to be defective and harmful to existing or new building occupiers.

Apart from the Building Regulations and Building Act 1984 which carry statutory time limits and procedural requirements associated to the imposition of fines or imprisonment there is the matter of civil liability of building owners and dutyholders.

Civil liability, however, may extend considerably longer. Following the Building Safety Act 2022, claims relating to certain defective construction work can in some circumstances be pursued for up to **15 years prospectively** and, for some statutory causes of action, up to **30 years retrospectively**, depending on the nature of the claim and the applicable legal provisions.

Accordingly, dutyholders should not assume that liability ends when a project is completed or a completion (Final) certificate is issued by building control. Principal Designers, Principal Contractors, designers and contractors should maintain adequate records demonstrating how compliance was achieved and how their statutory duties were discharged, as these records may become important evidence if compliance is challenged years after the work has been completed.

Elevated risk for non-compliance

From a risk-based regulatory perspective, a project that lacks a clear **compliance statement** often presents a greater risk profile because there is less evidence that compliance has been systematically considered, recorded and communicated before and during construction. This increases the possibility that defects, omissions or regulatory contraventions will only be identified after work has commenced or, in some cases, after the work has been completed.



Image : Legal teams, building inspectors and fire officers scrutinising evidence of compliances, during an enforcement prosecution process in court.

Accordingly, a robust compliance statement is increasingly becoming one of the clearest indicators that dutyholders are embracing the intent of the new regime: namely that compliance should be designed, explained, evidenced and managed by the dutyholders themselves, with building control acting as an independent regulatory verifier rather than the party responsible for establishing compliance on their behalf. ([GOV.UK](https://www.gov.uk))

Emerging Law Court Prosecutions

It is inevitable that following the introduction of more stringent laws, such as the Building Safety Act 2022, that over the next few years there will be many more prosecutions of persons carrying out design or building work which is later found to be defective.



Image : Dutyholder in court facing prosecution. Breaching building regulations is a criminal offence where you can expect to receive a criminal record once convicted of an offence.

Recent Prosecution of a Principal Contractor

To reinforce the seriousness of the new laws a recent court case was settled against a **Principal Contractor** found guilty of breaching the building regulations. Many more similar cases are currently set to go to court soon.

The recent prosecution of **Principal Contractor** Mr Steve Figg [of Figg Construction Ltd] by Basildon Borough Council provides an important indication of how the law courts are likely to approach breaches of the Building Regulations under the post-2023 dutyholder regime.

Mr Figg the Principal Contractor was charged with 12 offences under the Building Regulations, summarised as follows:

Charge 1: Failed to notify Basildon of stages of work;

Charge 2: Failed to install a suitable suspended floor;

Charge 3: Failed to install adequate cavity wall insulation;

Charge 4: Failed to install adequate insulation in the walls to insulate the property and provide resistance to moisture;

Charge 5: Failed to install adequate insulation in roof;

Charge 6: Failed, as Principal Contractor, to plan, manage and monitor building work during construction phase and failed to coordinate matters relating to building work;

Charge 7: Failed, as Principal Contractor, to demonstrate skills, knowledge, experience and behaviours necessary to do the works;

Charge 8: Failed to transfer load safely by failing to provide adequate support to the floor joints;

Charge 9: Failed to transfer load inadequate end bearings steel beams;

Charge 10: Contravened Compliance Notice requiring replacement of ground bearing slab with suspended floor slab;

Charge 11: Contravened Compliance notice dated 10 April 2024 requiring Mr Figg to remedy the defective installation of steel beam;

Charge 12: Contravened compliance notice dated 10 April 2024 (removal of load bearing internal wall).

He was found guilty of all charges.

Mr Figg was sentenced by District Judge Williams in Chelmsford Magistrates' Court on **23 April 2026**. The Court found that Mr Figg's culpability was very high, and the harm was high.

Mr Figg was sentenced to **18 months imprisonment**, reduced to 12 months for his credit for a guilty plea. This was suspended for a period of 2 years and he was given activity requirements with Probation, a curfew (ordered to wear an electronic tag on his body for 6 months), and a prohibition on carrying out such work as a Principal Contractor for 2 years.

Mr Figg was ordered to pay **£85,000** to Mr and Mrs Davies, the building owners by way of compensation.



Historically, building regulation prosecutions often focused upon technical construction defects and failures to comply with specific requirements of the Building Regulations. However, the introduction of the dutyholder provisions within **Part 2A of the Building Regulations 2010** has expanded accountability beyond the physical defects themselves to encompass the management, planning, competence and oversight of building work.

The charges brought against Mr Figg demonstrate that the courts are now prepared to examine not only whether completed building work complied with the technical requirements of the regulations, but also whether dutyholders fulfilled their statutory responsibilities throughout the construction process. This includes matters such as competence, coordination, supervision, compliance with notices, communication with building control, and the effective planning and management of construction activities.

Of particular significance are the offences relating to the duties of the Principal Contractor. These charges reflect Parliament's intention that compliance should be actively managed by competent dutyholders rather than relying upon building control bodies to identify defects or direct the works. The courts are therefore likely to view failures in planning, management, coordination, competence and compliance monitoring as serious regulatory breaches, particularly where such failures contribute to unsafe or non-compliant outcomes.

The prosecution also demonstrates that Local Authority Compliance Notices introduced under the new regime are likely to be treated seriously by the courts. Where a dutyholder

has been formally notified of non-compliant work and subsequently fails to undertake the required remedial action, the courts may regard such conduct as evidence of disregard for statutory obligations and public safety.

Looking forward, it is reasonable to expect that courts will increasingly assess building regulation offences through the lens of risk management, competence, accountability and compliance assurance.

Dutyholders who cannot demonstrate that they have properly planned, managed, monitored and coordinated compliance may find themselves exposed not only to enforcement action in relation to defective work but also to prosecution for failures in the discharge of their statutory duties.



The emerging judicial approach appears consistent with the wider objectives of the Building Safety Act 2022 and the amended Building Regulations, namely that those who commission, design and carry out building work must take ownership of compliance and be able to demonstrate, through evidence and documented decision-making, that they have taken all reasonable steps to ensure compliance with the law. In this respect, the courts are increasingly likely to regard compliance management failures as being as significant as the physical defects that arise from them. You can read more detail of that prosecution by clicking on the following link:

https://6pumpcourt.co.uk/bbc-news-front-page-we-paid-our-builder-44k-then-he-had-us-arrested/?utm_source=chatgpt.com

Conclusion

The modern building regulations regime places responsibility for compliance firmly upon those who commission, design and carry out building work. Principal Designers, Principal Contractors, designers, contractors and other dutyholders must be able to demonstrate that building work has been properly planned, coordinated, designed and executed so as to comply with all applicable requirements of the Building Regulations.

The role of Building Control is not to design buildings, approve designs, guarantee compliance, or identify every omission, defect or error within a design or construction project.

Equally, statutory consultees such as Fire and Rescue Authorities do not provide design approval services or act as a substitute for competent design teams and dutyholders.

Instead, **Building Control operates as an independent regulatory function whose role is to assess, on a risk-based basis, whether dutyholders appear to be fulfilling their statutory obligations** and whether sufficient evidence exists to demonstrate compliance with the Building Regulations. Responsibility for achieving compliance remains with those undertaking the work and does not transfer to Building Control, Fire and Rescue Authorities, or any other regulatory body.



Dutyholders should therefore ensure that compliance is designed in, explained, evidenced and managed throughout the project lifecycle. Those who adopt a proactive approach to compliance, supported by robust compliance statements, coordinated designs, competent management and clear evidence trails, will be best placed to fulfil their legal duties and demonstrate compliance when required.

You must always obtain advice from qualified professionals and contractors preferably registered with a professional or trade body.



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